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BULLETIN NO. 5

N.C.
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Amendments to the Consolidated Statutes

ENACTED BY THE

GENERAL ASSEMBLY OF NORTH CAROLINA

REGULAR SESSION 1923

COMPILED BY

H. M. LONDON

LEGISLATIVE REFERENCE LIBRARIAN

RALEIGH, NORTH CAROLINA

1923

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Dear Sir:

Herewith I am sending you Bulletin No. 5 of the Legislative Reference Library, containing the Amendments to the Consolidated Statutes enacted by the General Assembly, Regular Session, 1923.

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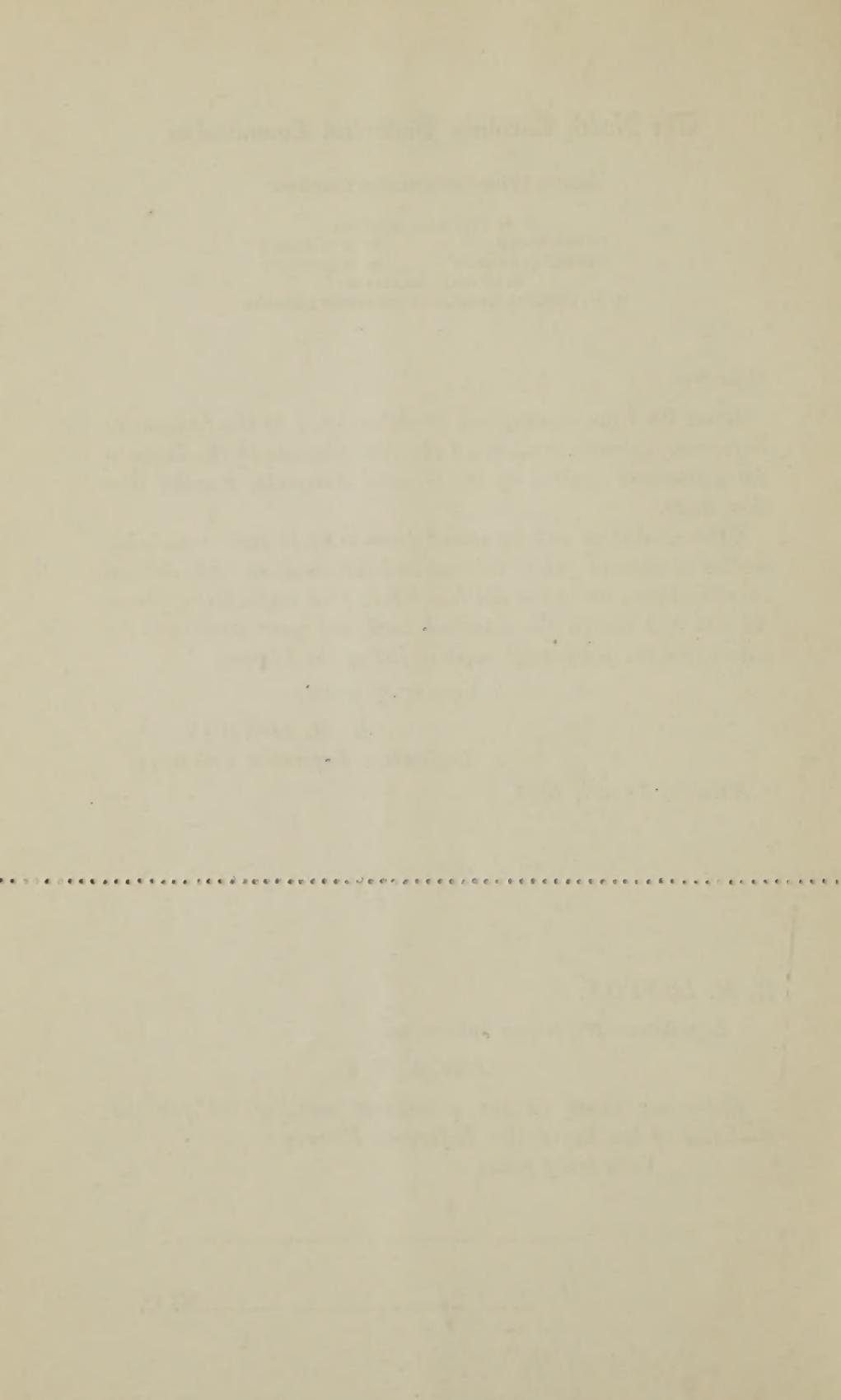
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THE NORTH CAROLINA HISTORICAL COMMISSION

T. M. PITTMAN, *Chairman.*

HERIOT CLARKSON,

M. C. S. NOBLE,

FRANK WOOD,

W. N. EVERETT.

D. H. HILL, *Secretary,*

H. M. LONDON, *Legislative Reference Librarian,*

Raleigh.

NOTE

This bulletin is issued in compliance with section 6147 of the Consolidated Statutes, which requires the Legislative Reference Librarian to keep the compilations of the Public Laws of the State revised to date. It contains the amendments to the Consolidated Statutes enacted at the 1923 regular session of the General Assembly. Bulletin No. 3 contained the amendments enacted at the extra session 1920 and regular session 1921, and Bulletin No. 4 contained the amendments enacted at the extra session of December, 1921, copies of which may be obtained on application. No bulletin was issued in 1919, since all amendments enacted that year were embraced in the Consolidated Statutes.

The chapters which in terms or in effect amend certain chapters, sections or subsections of the Consolidated Statutes have been brought forward in this bulletin, and are arranged according to the section numbers of the Consolidated Statutes. In each case the chapter number is given so that reference may be made to the session laws. These amendments have been printed so that they may be clipped and pasted in the Consolidated Statutes, or the bulletin may be used as a supplement in its present form.

Several laws, such as the Revenue and Machinery Acts, the Amendments to the Road Law, the School Law, the Prohibition Conformity Law, the Motor Vehicle Laws, the Game Laws, and others, are not brought forward here, since they have been published in pamphlet form and may be had free upon application.

H. M. LONDON,
Legislative Reference Librarian.

AUGUST 31, 1923.

AMENDMENTS TO THE CONSOLIDATED STATUTES

ENACTED BY THE
GENERAL ASSEMBLY OF NORTH CAROLINA
REGULAR SESSION 1923

CHAPTER I

ADMINISTRATION

22. Strike out all of said section after the word "court" in line 5 and insert the following: "Shall issue letters of administration with the will annexed to one or more of the legatees named in said will; but if no legatee qualifies, then letters may be issued to some suitable person or persons in the order prescribed in this chapter."

1923, c. 63.

39. Line 4 between the word "clerk" and the word "that" insert the following: "Or before any other officer of any state or county authorized by the laws of North Carolina to administer oaths."

1923, c. 56.

74. Add at the end the following: "When there is dower or right of dower in the land petitioned to be sold as aforesaid, the person entitled thereto shall be made a party to said proceedings, and on a decree of sale, the interest of one-third of the proceeds shall be secured and paid to her annually; or in lieu of such annual interest, at her election, the value of an annuity of six per cent, on such third, during her probable life or expectancy, shall be ascertained and paid to her absolutely out of the proceeds: *Provided*, that nothing herein contained shall be construed to deprive the widow from claiming her dower by metes and bounds in her husband's land."

1923, c. 55.

74a. Add new section: In all cases where real property devised upon contingent remainder, executory devise, or other limitation, shall have been sold and conveyed for a fair price in good faith by the executor named in said will, or by an administrator with the will annexed, for the purpose of making assets with which to pay the debts of said estate, under the mistaken belief that said will authorized such sale, and the proceeds of such sale shall have been applied to the payment of the indebtedness of such estate, and it shall be made to appear in any action brought by the purchaser of said land, or those claiming under such purchaser, that such executor, or other personal representative would have been entitled in a proper proceeding brought for that purpose to an order of court to sell said land for the purpose of making assets with which to pay the indebtedness of such estate, then such sale so made by such executor, or other personal representative, shall be valid and binding upon all such contingent remaindermen, executory devisees, or other person, who would have taken such property under said will upon the contingency or contingencies therein mentioned, notwithstanding said sale shall have been made by such executor or other personal representative without obtaining such order of the court. And in any such action instituted by the purchaser of such land, or those claiming under him, for the purpose of removing a cloud from the title thereto, all contingent remaindermen, executory devisees, or other persons entitled to claim under any limitations in said will, if in being, and known to be residents of this State, shall be made parties defendant to such action, and served with summons as in other civil actions; all nonresidents, or persons whose names and residences are unknown, shall be served with summons by publication as now required by law, or such service in lieu of publication as now provided by law. In cases where the contingent remainder, executory devise, or other limitation will, or may, go to minors, or persons under other disabilities, or to persons not in being, or whose names and residences are not known, or who may in any contingency become interested in said land, but because of such contingency cannot be ascertained, the judge of the Superior Court shall, in any such action brought for the purpose aforesaid, after due inquiry of persons who are in no way interested in or connected with such proceedings, designate and appoint some discreet person as guardian *ad litem* to represent such contingent remaindermen, or executory devisees, upon whose summons shall be served in such action as provided by law for other guardians *ad litem*, and it shall be the duty of such guardian *ad litem* to defend such action, and when counsel is needed to represent him to make this known to the judge, who shall by an order give instructions as to the employment of counsel and the payment of fees. And all contingent remaindermen, executory devisees, or other persons, who may be entitled to claim a contingent interest in said land, whether known or unknown, in being or not in being, shall be conclusively bound by any final judgment entered in such action, if made parties thereto and represented therein in the manner hereinbefore provided: *Provided, however*, that this act shall not apply to any sale of land made in which the executor or other personal representative shall have been either directly or indirectly the purchaser thereof.

Where the purchaser of any lands made under the circumstances narrated in section one hereof, or any person holding or claiming the same under or through such purchaser, shall have been in the peaceable possession thereof for more than twenty years without any adverse claim having been asserted to the same by any person claiming under such will, and the records of the administration of the said estate do not affirmatively show what disposition has been made of the proceeds of the sale of such land, then it shall be presumed, *prima facie*, that the proceeds of the sale of the said land have been applied to the payment of the necessary indebtedness of the said estate and the cost of the administration thereof, and the burden of proof to the contrary shall be upon the defendants in said action.

This act shall apply only to sales of land made under the circumstances narrated in sections one and two hereof, occurring before the passage of the same, and shall be in force from and after its ratification.

1923, c. 70.

CHAPTER IV

ATTORNEYS AT LAW

195. In lines 3 and 4 strike out the words "by the chief justice and two associate justices to be designated by the court" and insert "by the chief justice and four associate justices."

1923, c. 95.

198. Chapter 173, Public Local Laws, Ex. 1920, amending section 198 repealed as to New Hanover County and Carteret County.

1923, c. 128.

CHAPTER XII

CIVIL PROCEDURE

476. et seq. In lines 2 and 3 of section 10, c. 92, Ex. 1921, strike out "a first Monday or a third Monday of the month," and insert "every Monday of every month"; and in lines 4 and 5 strike out the words "first and third," and insert "and each Monday."

1923, c. 28.

In all actions for the foreclosure of any mortgage or deed of trust which has heretofore been instituted and prosecuted before the clerk of the Superior Court of any county in North Carolina, wherein the judgment confirming the sale, made by the commissioner appointed in said action, and ordering the said commissioner to execute a deed to the purchaser, was signed by such clerk on a day other than the first or third Monday of a month, such judgment of confirmation shall be and is hereby declared to be valid and of the same force and effect as though signed and docketed on the first or third Monday of any month, and any deed made by any commissioner or commissioners in any such action where the confirmation of sale was made on a day other than a first or third Monday of the month shall be and is hereby declared to have the same force and effect as if the same were executed and delivered pursuant to a judgment of confirmation properly signed and docketed by the clerk of the Superior Court on a first or third Monday of the month.

When any summons issued by any clerk of the Superior Court in North Carolina is not served upon any one or more of the defendants therein named ten days before the return day thereof, but is served before the return day thereof, such failure to serve the said summons shall not affect the pendency of the action, and as touching the defendant or defendants therein named upon whom service has not been made ten days before the return day named in the summons, the return day as to such defendants shall be the tenth day after the service of the summons on the said defendant or defendants.

1923, c. 53.

479. Add at the end: "In all cases when a summons is issued by any court of this State, and the officer to whom said summons is directed shall find that the person or persons against whom said summons is issued cannot be served without danger of injury to said person or persons on account of the condition of said person or persons arising from illness, accident or otherwise, the officer shall file with his returns a certificate from a reputable physician certifying to this fact, and said returns shall relieve the said officer from any liability for reason of failure to actually serve the summons. The said officer shall as soon as possible make actual service of said summons, and when actually served the cause of action shall be deemed to have been commenced as of the date of the original summons, and the defendant shall have twenty days from the date of actual service within which to demur, answer or otherwise plead."

1923, c. 62.

493. Subsection 4, add: "In lieu of any written undertaking or bond required by law in any action pending in any court of the State, party required to make such undertaking or bond may make a cash deposit of the amount required by law in lieu of the said undertaking or bond, and such cash deposit shall be subject to all of the same conditions and requirements as are provided for in written undertakings or bonds, in lieu of which such deposit is made."

1923, c. 58.

557. Line 4, strike out "thirty" and insert "ten." Line 4, strike out "must" and insert "may."

1923, c. 54.

CHAPTER XIX
CONVEYANCES

1004. Amended to read as follows: "Every man whose wife is a lunatic or insane may bargain, sell, lease, mortgage, transfer and convey any of his real estate by deed, mortgage deed, deed of trust, or lease, without the signature or private examination of his wife: *Provided*, that the clerk of the Superior Court of the county in which the wife was adjudged a lunatic or declared insane, or the superintendent of an insane institution of the State, or any other state, shall certify under his hand and seal that she has been adjudged a lunatic or declared insane, and that her sanity has not been declared restored as is provided by law, and this certificate must be attached to the husband's deed, mortgage deed, deed of trust, or lease. Such deed, mortgage deed, deed of trust or lease executed, probated and registered in accordance with law shall convey all the estate and interest as therein intended of the grantor in the land conveyed, free and exempt from the dower rights and all other interests of his wife: *Provided*, this section shall not apply to the homestead of the husband which has been actually allotted."

1923, c. 65.

CHAPTER XXII
CORPORATIONS

1156. In line 4, between the words "capital stock" and the semicolon insert the words, "entitled to vote."

In line 14, strike out "voted" and insert "entitled to vote."

In line 15, strike out "common" before the word "stockholders."

1923, c. 155.

CHAPTER XXIII
COSTS

1229. In line 3 add after the words "four dollars" the words: "Provided, that where defendant pleads guilty, or no jury is actually impaneled, no jury tax shall be charged."

This act applies only to Catawba, Cherokee, Washington and Anson counties.

P. L. 1923, c. 68.

1244a. In all civil actions and special proceedings instituted in the Superior Court in which a commissioner, or commissioners, are appointed under a judgment by the clerk of said court, said clerk shall have full power and authority and he is hereby authorized and empowered to fix and determine and allow to such commissioner or commissioners a reasonable fee for their services performed under such order, decree or judgment, which fee shall be taxed as a part of the costs in such action or proceedings, and any dissatisfied party shall have the right of appeal to the judge, who shall hear the same *de novo*.

In all special proceedings where it is now by law required that the orders, judgments and decrees of the clerk shall be approved or heard by the judge of the Superior Court, the emergency judges shall have full power and authority and jurisdiction to hear and determine such matters under the course and practice of the court.

1923, c. 66.

CHAPTER XXIV
COUNTIES AND COUNTY COMMISSIONERS

1293. In line 6, between the words "Pitt and Richmond" insert the word "Randolph." P. L. 1923, c. 55.

1297. Subsection 29, line 2, insert between the words "hospitals" and "for" the words "establish and maintain homes for indigent orphan children." 1923, c. 81.

1364. Add at the end: "The Commissioners of Madison County are authorized to make short-time loans or to sell bonds of said county of Madison for the purpose of defraying expenses of working prisoners and building roads in said county of Madison." P. L. 1923, c. 31.

CHAPTER XXVII
COURTS

1437. Chapter 299, Public Laws 1919. Insert between "Mecklenburg and Forsyth," "Union."

1923, c. 98.

1443. FIRST DISTRICT—TYRRELL COUNTY. In line 4 of paragraph entitled "Tyrrell" place a period after the word "term," and strike out all of said paragraph thereafter. As amended by chapter 19 Public Laws, Ex. 1921, strike out all of section 2. There shall be for Tyrrell County one more term of Superior Court, which shall be held for a period of two weeks beginning on the fifth Monday before the first Monday in March.

1923, c. 124.

PASQUOTANK COUNTY. Now reads: "Ninth Monday before the first Monday in March to continue for two weeks, for civil cases only; third Monday before the first Monday in March for civil cases only; second Monday after the first Monday in March for criminal and civil business, to continue for one week; fourteenth Monday after the first Monday in March, to continue for two weeks, for civil cases only; second Monday before the first Monday of September, to continue for one week for criminal business only; second Monday after the first Monday in September for civil business only; ninth Monday after the first Monday in September, to continue for two weeks for criminal and civil business."

1923, c. 232.

SECOND DISTRICT—EDGECOMBE COUNTY. As amended by chapter 108, Public Laws, Extra Session 1921, in line 9, strike out "seventh" and insert "sixth."

1923, c. 246.

WASHINGTON COUNTY. In line 3, strike out "sixth" and insert "seventh."

1923, c. 227.

NASH COUNTY. Now reads: "Fifth Monday before the first Monday in March; second Monday before the first Monday in March, to continue for two weeks, for civil cases only; first Monday after the first Monday in March; seventh Monday after the first Monday in March, to continue for two weeks, for civil cases only; twelfth Monday after the first Monday in March; second Monday after the first Monday in September, to continue for two weeks, the first week for criminal cases only, and the second week for civil cases only; fifth Monday after the first Monday in September, for civil cases only; twelfth Monday after the first Monday in September, to continue for two weeks, the first week for criminal cases, and the second week for civil cases only."

1923, c. 237.

THIRD DISTRICT—BERTIE COUNTY. Now reads: "Third Monday before the first Monday in March, to continue for two weeks; eighth Monday after the first Monday in March, to continue for three weeks, the first week being for the trial of civil cases only; first Monday before the first Monday in September, to continue for three weeks, the last week for the trial of civil cases only; tenth Monday after the first Monday in September, to continue for two weeks."

1923, c. 185.

HERTFORD COUNTY. In line 2, strike out "fourth Monday before the first Monday in September," and insert "last Monday in July."

1923, c. 113.

NINTH DISTRICT—ROBESON COUNTY. "The term of Superior Court for Robeson County beginning the fourth Monday before the first Monday in March, now designated for the trial of civil cases only, shall hereafter have jurisdiction for civil and criminal cases; and the term of said court beginning the eighth Monday before the first Monday in September shall continue for two weeks and shall be for the trial of criminal cases, with the power, which is hereby given, to the commissioners of Robeson County to determine at their meeting on the first Monday in June of each year whether the said term shall continue for more than one week, and if the said commissioners shall so determine said court shall last for only one week they shall draw the jury list accordingly, and unless they do so determine said term to be for two weeks, they shall draw the jury list accordingly."

1923, c. 209.

TENTH DISTRICT—GRANVILLE COUNTY. Amend section 1 of paragraph "Granville County" of chapter thirty-six of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and twenty-one, by adding after the word "September" in line four of paragraph "Granville County," the words "one week"; and by placing a semicolon after the word "week" and by adding after the word "September" and before the word "for" in the last line of said paragraph the words "one week."

1923, c. 131.

ELEVENTH DISTRICT—FORSYTH COUNTY. Additional terms of Superior Court for Forsyth County shall be held for the trial of civil cases only: First Monday before the first Monday of March, to continue for one week; sixteenth Monday after the first Monday of March, to continue for one week; thirteenth Monday after the first Monday of September, to continue for one week.

The Governor shall assign an emergency or any other judge to hold the terms of Superior Court of Forsyth County as are provided for in this act.

1923, c. 151.

FORSYTH COUNTY—SPECIAL COUNTY COURT. Ninth Monday before first Monday of March, to continue one week; sixth Monday before first Monday of March, to continue for two weeks; fourth Monday before first Monday of March, to continue for one week; fifth Monday after first Monday of March, to continue for one week; eighth Monday after first Monday of March, to continue for two weeks; fourteenth Monday after first Monday of March, to continue for two weeks; ninth Monday before first Monday in September to continue for two weeks; seventh Monday before first Monday of September, to continue for one week; first Monday of September, to continue for one week; sixth Monday after first Monday of September, to continue for two weeks; eighth Monday after first Monday of September, to continue for one week; eleventh Monday after first Monday of September, to continue for two weeks. The judge of Forsyth County Court shall receive a salary of one hundred and twenty-five dollars for each week of said court. No special term of Superior Court for Forsyth County shall be called or held that conflicts with any term of the

Forsyth County Court. Value of property in controversy, exclusive of interest, not to exceed three thousand dollars.

1923, c. 150.

SURRY COUNTY. After the ratification of this act all clerks of recorders' courts and municipal courts, mayors of towns, and justices of the peace in and for Surry County shall, on the fifteenth day before the date of convening of any criminal term of the Superior Court of Surry County, make out and deliver to the clerk of the Superior Court their returns and the papers in all cases in which defendants have appealed from the judgments rendered in their respective courts or have been recognized to appear at said term of the Superior Court of Surry County.

Any clerk of a recorder's court or municipal court, mayor of town, or justice of the peace in said county who shall willfully fail to comply with the provisions of section one of this act shall be guilty of malfeasance in office and, upon conviction, shall be removed from office.

Ten days before the convening of any term of the Superior Court of Surry County the clerk of said court shall make out a calendar for the first five days of a one-week term and the first ten days of a two-weeks term; that all criminal cases except capital felonies shall be placed upon the calendar in the following order: (1) cases in which the defendants have been bound over by the inferior courts and are in jail in default of bail; (2) all other cases in which the defendants are in jail; (3) all cases in which defendants are not in jail; and (4) sci. fa. docket and forfeited recognizances; that immediately upon completion of the calendar, the clerk shall have the same printed, giving the name of the defendant, the offense charged, and the day of the week and month upon which the case is set for trial, and shall mail a copy of said printed calendar to the solicitor of the district, and, upon request, deliver a copy each to the officers of the court, the attorneys practicing at the Surry County bar, and to the defendants and witnesses.

It shall be the duty of the solicitor of the district to have all bills for each day's calendar prepared and present the same to the grand jury upon the opening of court each day of the term except Monday of the first week of the term, when they shall be prepared and presented to the grand jury immediately upon the completion of the charge of the court.

The grand jury shall be required to be in attendance at each term not less than four days.

Cases shall be tried in the order in which they are on the calendar. If for sufficient reason the State or defendant is not ready for trial at the time the case is reached the same shall be continued for the term unless otherwise set for trial by the court.

The defendants and witnesses recognized to appear at any criminal term shall in the recognizance be ordered to appear on the first day of the term, as now provided by law, but, in fact, shall not be required to appear until the day on which the case is set for trial, and no witness shall prove for attendance prior to the day on which the case is set on the calendar.

The provisions of this act shall not apply to capital felonies.

Cases docketed in the Superior Court after the formation of the calendar shall stand for trial at the approaching term and shall be heard in the discretion of the court.

The county commissioners of Surry County shall pay all expenses incurred by the clerk in carrying out the provisions of this act.

1923, c. 153.

TWELFTH DISTRICT—GUILFORD. Now reads: Sixth Monday before the first Monday in March, one week; first Monday in March, two weeks; eighth Monday after the first Monday in March, one week; fifteenth Monday after the first Monday in September, one week; second Monday after the first Monday in September, two weeks; tenth Monday after the first Monday in September, one week; fifteenth Monday after the first Monday in September, one week; for the trial of criminal cases only. Eighth Monday before the first Monday in March, two weeks; fourth Monday before the first Monday in March, two weeks; second Monday after the first Monday in March, two weeks; sixth Monday after the first Monday in March, two weeks; tenth Monday after the first Monday in March, two weeks; thirteenth Monday after the first Monday in March, two weeks; fourth Monday before the first Monday in September, two weeks; fourth Monday after the first Monday in September, two weeks; eighth Monday after the first Monday in September, two weeks; for the trial of civil cases only.

DAVIDSON—Fifth Monday before the first Monday in March, one week; ninth Monday after the first Monday in March, one week; sixteenth Monday after first Monday in March, one week; second Monday before the first Monday in September, one week; for the trial of criminal cases only. Second Monday before the first Monday in March, two weeks; twelfth Monday after the first Monday in March, one week; seventh Monday before the first Monday in September, two weeks; first Monday after the first Monday in September, one week; eleventh Monday after the first Monday in September, two weeks, mixed; for the trial of civil cases only.

STOKES—Fourth Monday after the first Monday in March, one week; sixth Monday after the first Monday in September, one week; for the trial of criminal cases only. Fourth Monday after the first Monday in March, one week; sixth Monday before the first Monday in September, one week; seventh Monday after the first Monday in September, one week, for the trial of civil cases only.

1923, c. 169.

THIRTEENTH DISTRICT—ANSON COUNTY. Now reads: "Seventh Monday before the first Monday in March, for criminal cases only; first Monday in March for civil cases only; sixth Monday after the first Monday in March to continue for two weeks, the second week to be for civil cases only; fourteenth Monday after the first Monday in March, for civil cases only; first Monday after the first Monday in September, for criminal cases only; third Monday after the first Monday in September, for civil cases only; tenth Monday after the first Monday in September, for civil cases only."

1923, c. 112.

RICHMOND COUNTY. Now reads: "Ninth Monday before the first Monday in March, first Monday after the first Monday in March, sixth Monday before the first Monday in September, fourth Monday after the first Monday in September, all for criminal cases; eighth Monday before the first Monday in March, second Monday after the first Monday in March, twelfth Monday after the first Monday in March, fifteenth Monday after the first Monday in March, seventh Monday before the first Monday in September, first Monday in September, ninth Monday after the first Monday in September."

1923, c. 112; 1923, c. 184.

SCOTLAND COUNTY. Now reads: "First Monday after the first Monday in March, for one week for the trial of civil cases only; eighth Monday after the first Monday in March, for one week for the trial of criminal and civil cases; thirteenth Monday after the first Monday in March for one week for the trial of criminal and civil cases; eighth Monday after the first Monday in September for one week for the trial of civil cases only; twelfth Monday after (first) Monday in September for two weeks for the trial of criminal and civil cases."

1923, c. 178.

FIFTEENTH DISTRICT—IREDELL COUNTY. In line 1, strike out "tenth" and insert "eleventh."

1923, c. 129.

RANDOLPH COUNTY. Now reads: "Second Monday after the first Monday in March, to continue for two weeks for civil cases only; fourth Monday after the first Monday in March for criminal cases; twelfth Monday after the first Monday in March, to continue for two weeks for civil cases only; fifteenth Monday after the first Monday in March for criminal cases; seventh Monday before the first Monday in September, to continue for two weeks for civil cases only; the first Monday in September for criminal cases; thirteenth Monday after the first Monday in September, to continue for two weeks for criminal and civil cases."

1923, c. 229; P. L. 1923, c. 513.

SIXTEENTH DISTRICT—CATAWBA COUNTY. As amended by chapter 47, Public Laws 1921. In line 7, after the word "weeks" insert "for the trial of civil cases only."

1923, c. 18.

SEVENTEENTH DISTRICT—AVERY COUNTY. "Seventh Monday after the first Monday in March, for two weeks; ninth Monday before the first Monday in September, for three weeks, for civil cases only; sixth Monday after the first Monday in September, for two weeks."

1923, c. 90.

EIGHTEENTH DISTRICT—HENDERSON COUNTY. In line 1 strike out "three" and insert "two." Add at the end: "eighth Monday before the first Monday in March, to continue for two weeks, for civil cases only."

1923, c. 204.

McDOWELL COUNTY. Strike out "sixth Monday before the first Monday in March" and insert: "Fourteenth Monday after the first Monday in March."

1923, c. 219.

VANCEY COUNTY. Strike out "the second Monday in August, for civil cases only and insert: "The first Monday in August, to continue for two weeks for the trial of civil cases only."

1923, c. 222.

NINETEENTH DISTRICT—BUNCOMBE COUNTY. Now reads: "Second Monday in January, the first Monday in February, the first Monday in March, the first Monday in April, the first Monday in May, the first Monday in June, the second Monday in July, the first Monday in August, the first Monday in September, the first Monday in October, the first Monday in November, and the first Monday in December, each to continue for two weeks, for the trial of civil cases exclusively; the fourth Monday in January, the third Monday in February, the third Monday in March, the third Monday in April, the third Monday in May, the fourth Monday in July, the third Monday in August, the third Monday in September, the third Monday in October, the third Monday in November, and the third Monday in December, each to continue for one week, for the trial of both criminal and civil cases; the third Monday in June, to continue for two weeks, for the trial of both criminal and civil cases."

1923, c. 21.

TWENTIETH DISTRICT—CHEROKEE COUNTY. Sixth Monday before the first Monday in March; fourth Monday after the first Monday in March; fifteenth Monday after the first Monday in March; for the trial of civil cases only: Provided that upon request of the bar of Cherokee County the board of county commissioners need not draw a jury for the term herein provided; fourth Monday before the first Monday in September; ninth Monday after the first Monday in September, each to continue for two weeks.

1923, c. 51.

MACON COUNTY. In line 8, strike out "each to continue for two weeks" and insert "the first two of said terms to continue for two weeks, and the last thereof for one week only."

1923, c. 35.

HAYWOOD COUNTY. Eighth Monday before the first Monday in March, to continue for two weeks, for civil cases only; fourth Monday before the first Monday in March, to continue for two weeks; ninth Monday after the first Monday in March, to continue for two weeks, for civil cases only; eighth Monday before the first Monday in September, to continue for two weeks; second Monday after the first Monday in September; twelfth Monday after the first Monday in September, each to continue for two weeks.

1923, c. 35.

SUPERIOR COURT CALENDAR, 1923-1925

District	Fall, 1923	Spring, 1924	Fall, 1924	Spring, 1925
1	Judge Bond	Judge Devin	Judge Sinclair	Judge Cranmer
2	Judge Connor	Judge Bond	Judge Devin	Judge Sinclair
3	Judge Kerr	Judge Connor	Judge Bond	Judge Devin
4	Judge Daniels	Judge Kerr	Judge Connor	Judge Bond
5	Judge Horton	Judge Daniels	Judge Kerr	Judge Connor
6	Judge Grady	Judge Horton	Judge Daniels	Judge Kerr
7	Judge Calvert	Judge Grady	Judge Horton	Judge Daniels
8	Judge Cranmer	Judge Calvert	Judge Grady	Judge Horton
9	Judge Sinclair	Judge Cranmer	Judge Calvert	Judge Grady
10	Judge Devin	Judge Sinclair	Judge Cranmer	Judge Calvert
11	Judge Lane	Judge Bryson	Judge McElroy	Judge Ray
12	Judge Shaw	Judge Lane	Judge Bryson	Judge McElroy
13	Judge Stack	Judge Shaw	Judge Lane	Judge Bryson
14	Judge Harding	Judge Stack	Judge Shaw	Judge Lane
15	Judge Long	Judge Harding	Judge Stack	Judge Shaw
16	Judge Webb	Judge Long	Judge Harding	Judge Stack
17	Judge Finley	Judge Webb	Judge Long	Judge Harding
18	Judge Ray	Judge Finley	Judge Webb	Judge Long
19	Judge McElroy	Judge Ray	Judge Finley	Judge Webb
20	Judge Bryson	Judge McElroy	Judge Ray	Judge Finley

CHAPTER 216

1535a. GENERAL COUNTY COURT.

General county courts—court of record. In each county of this State there may be established a court of civil and criminal jurisdiction, which shall be a court of record and which shall be maintained pursuant to this act, and which court shall be called the General County Court and shall have jurisdiction over the entire county in which said court may be established.

Presiding officer—election. The court shall be presided over by the judge, who may be a licensed attorney at law, and at the time of his election he shall be a qualified elector in the county. The first judge of the court upon the establishment of said court shall be elected by the board of county commissioners within thirty days after the establishment of said court, and he shall hold his office until January first, following the next general election of county officers and until his successor is elected and qualified. If a vacancy occurs in the office of judge of said court, the same shall be filled by the election of a successor for the unexpired term by the board of county commissioners. After the first elected judge by the board of county commissioners, each succeeding judge shall be elected by a vote of the qualified electors of the county at the next general election before the expiration of the term of office and when other county officers are elected, and shall hold his office for a term of four years beginning January first following his election, and until his successor is elected and qualified. Before entering upon the duties of his office, the judge shall take and subscribe an oath of office, as is now provided by law for justices of the peace, and he shall file the same with the clerk of the Superior Court of the county. The salary of said judge shall be fixed by the board of commissioners of the county, and shall not be less than thirty-six hundred dollars, and it shall not be increased or decreased during the term of office, and it shall be paid monthly out of the funds of the county. The judge shall reside in the county and shall be provided by the county commissioners with an office at the county-seat. The terms of said court shall be held in the courthouse, but they shall at no time inconvenience or discommode the Superior Court of the county while the Superior Court in term is using the courthouse. The judge of the General County Court, herein provided for, shall not practice law in any of the courts of this State.

The court shall open for the transaction of business and trial of causes the first Monday of each month and continue until all matters before the court are disposed of.

Prosecuting officer. There shall be a prosecuting attorney of the General County Court, to be known officially as prosecutor, who shall appear for the State and prosecute in all criminal cases being tried in said court, and for his services he shall be paid such salary, not less than one thousand dollars annually, as may be fixed by the board of county commissioners. He shall be elected by the board of county commissioners for the first term as herein provided for the election of the judge, and thereafter by the qualified electors of the county in the same manner as is provided herein for the election of the judge; and vacancies in the office of the prosecutor shall be filled by the board of county commissioners as they are herein authorized to fill vacancies in the office of judge. If requested to do so by the judge, the prosecutor shall represent the county in prosecution of criminal appeals from this court in the Superior Court. The salary of the prosecutor shall be paid monthly out of the county funds.

Clerk Superior Court ex officio clerk. The clerk of the Superior Court of the county shall be *ex officio* clerk of the General County Court, herein provided for, and in addition to the salary and fees paid him as clerk of the Superior Court, he shall be paid such additional compensation as the county commissioners of the county may fix, to be paid monthly out of the county funds. The said clerk shall be liable upon his official bond for the discharge of his duties and caring for funds paid to him to the same extent as he is bound as clerk of the Superior Court.

Sheriff's duties. The sheriff of the county or his deputies appointed shall attend upon the terms of this court in the same manner and with the same power and authority as he does and has in attendance upon the Superior Courts of the county. The county commissioners of the county are authorized to make said sheriff such additional allowance as they may fix for such services in addition to his salary and fees fixed by law.

Separate records. The clerk of the said General County Court shall keep separate records, criminal and civil, for the use of said court, to be furnished by the county commissioners, and they shall also provide all such necessary blanks, form, books and stationery as may be needed by said court. And the said clerk shall keep the same in his office of clerk of the Superior Court.

Procedure in civil actions. The rules of procedure, issuing process and filing pleadings shall conform as near as may be to the practice in the Superior Courts. The process shall be returnable directly to the court, and no civil process, except subpoenas, shall issue out of the court to any county other than that in which the court is located.

Trial by jury in civil actions. In all civil actions the parties shall be deemed to have waived a jury trial unless demand shall be made therefor before the trial begins. The demand shall be in writing and signed by the party making it, or by his attorneys, and accompanied by a deposit of three dollars to insure the payment of the jury tax: *Provided*, such demand shall not be used to the prejudice of the party making it.

Jurors drawn and summoned. If a jury trial is demanded, the judge shall continue the case until a day to be set, and the judge, together with the attorneys for all parties, shall proceed to the office of the register of deeds of the county and cause to be drawn a jury of eighteen men, observing as nearly as may be the rule for drawing a jury for the Superior Court. The judge shall issue the proper writ to the sheriff of the county commanding him to summon the jurors so drawn to appear at the court on the day set for the trial of the action. It shall be the duty of the register of deeds to prepare a list of jurors for this the General County Court identical with the list prepared for the Superior Court, and the jury shall be drawn out of the box containing such list.

Talesmen and challenges. The judge shall have the right to call in talesmen to serve as jurors according to the practice of the Superior Court as nearly as the same is applicable, and to direct the sheriff to summon a sufficient number of talesmen to serve during any one week for the proper dispatch of the business of the court.

Process. All civil summons in actions begun in the General County Court shall be served at least ten days before the return day named therein, and shall be returnable on the first Monday of the month next succeeding the issue thereof, unless the same be issued within less than ten days before the first Monday of the month next succeeding its issuing, in which event it shall be made returnable on the first Monday of the second succeeding month next after the date of the issue thereof; and when the summons shall be issued more than ten days before the first Monday of the month next succeeding its issuing, and shall be executed by the proper officer within less than ten days of the return day named therein, it shall be returned as if executed in proper time, and the case placed on the summons docket and continued to the first Monday of the month next succeeding the return day thereof, at which time it shall be treated in all respects as if that had been the return day named therein. The summons shall run in the name of the State, be signed by the clerk of the court in which the action is brought, and shall be directed to the sheriff or other proper officer of the county.

Pleadings. The complaint shall be filed by the return day named in the summons, and the answer, demurral, or other pleading on the part of the defendant shall be filed by the first Monday of the month following the filing of the complaint. For good cause the judge may extend the time of filing pleadings.

Criminal jurisdiction. The General County Court, herein provided for, shall have the following jurisdiction in criminal actions within the county:

1. Original, exclusive and concurrent jurisdiction, as the case may be, of all offenses within said county which are now or may hereafter be given to justices of the peace under the Constitution and general laws of the State, including all offenses of which mayors of towns or other municipal courts now have jurisdiction.

2. Original and concurrent jurisdiction with justices of the peace to hear and bind over to the Superior Court all persons charged with any crime within the territory of the general County Court, and of which said court is not herein given final jurisdiction.

3. To punish for contempt to the same extent and in the manner allowed by law to the Superior Courts of this State; to issue writs *ad testificandum* and other process to compel the attendance of witnesses and to enforce the orders and judgments of the court in the same manner allowed by law to the Superior Courts of this State.

4. The General County Court shall have jurisdiction in all criminal cases arising in the county which are now or may hereafter be given to a justice of the peace, and in addition thereto shall have exclusive original jurisdiction of all other criminal offenses committed in the county below the grade of a felony as now defined by law, and the same are hereby declared to be petty misdemeanors. In all criminal cases heard by a justice of the peace or other committing magistrate of the county against any person for any offense included within the exclusive jurisdiction of the General County Court, as herein provided for, and in which probable cause of guilt is found, such person shall be bound in a personal recognizance, or surety, to appear at the next first Monday of the month next succeeding before the General County Court for trial, and in default of surety such person shall be committed to the county jail to await trial.

Extent of civil jurisdiction. The jurisdiction of the General County Court in civil actions shall be as follows:

1. Jurisdiction concurrent with that of the justices of the peace of the county:
2. Jurisdiction concurrent with the Superior Court in all actions founded on contract:
3. Jurisdiction concurrent with the Superior Court in all actions not founded upon contract:

4. Jurisdiction concurrent with the Superior Court in all actions to try title to lands and to prevent trespass thereon and to restrain waste thereof:

5. Jurisdiction concurrent with the Superior Court in all actions pending in said court to issue and grant temporary and permanent restraining orders and injunctions.

Appeal to the Superior Court. Any person convicted of any offense of which the General County Court has final jurisdiction may appeal to the Superior Court of the county from any judgment or sentence of the court in the same manner as is now provided for appeals from justices of the peace; and any person tried before the General County Court for any offense of which said court has not final jurisdiction shall, if probable cause be found, be bound over to the Superior Court in the same manner as is provided by law in similar cases before a justice of the peace. The judge may, upon proper affidavit, issue criminal warrants returnable before him in or out of term. All persons convicted in said court may be sentenced to the roads, or county farms, or jail, as the judge may determine.

The judge shall have power in his discretion to allow amendments in pleadings and warrants, to the same extent as is allowed in the Superior Courts of the State.

Jury as in Superior Court. The jury in the General County Court shall be a jury of twelve, and the trial shall be conducted as nearly as possible as in the Superior Court.

Appeals to the Superior Court in civil actions. Appeals in civil actions may be taken from the General County Court to the Superior Court of the county in term time for errors assigned in matters of law in the same manner as is now provided for appeals from the Superior Court to the Supreme Court, with the exception that the record may be typewritten instead of printed, and only two copies shall be required, one for the court and the other for the counsel. The time for taking and perfecting appeals shall be counted from the end of the term of the General County Court at which such trial is had. Upon such appeal the Superior Court may either affirm or modify the judgment of the General County Court, or remand the cause for a new trial. From the judgment of the Superior Court an appeal may be taken to the Supreme Court as is now provided by law.

Enforcement of judgments. Orders to stay execution on judgments entered in the General County Court shall be the same as in appeals from the Superior Court to the Supreme Court. Judgments of the General County Court may be enforced by execution issued by the clerk thereof, returnable within twentydays. Transcripts of such judgments may be docketed in the Superior Court as now provided for judgments of justices of the peace, and the judgment when docketed shall in all respects be a judgment of the Superior Court in the same manner and to same extent as if rendered by the Superior Court, and shall be subject to the same statute of limitations and the statutes relating to the revival of judgments in the Superior Court and issuing executions thereon.

Elections required. The General County Court, herein provided for, shall be established upon elections as set forth in this act.

The board of commissioners of the county shall pass a resolution, if in their judgment such court should be established, reciting such fact and calling an election at a date to be fixed, which shall not be less than thirty days nor more than sixty days from the passage of the resolution, at which election there shall be submitted to the qualified voters of the county the question of establishing such court. At such election all qualified voters favoring the establishment of such court shall vote a ballot upon which shall be printed or written the words "For General County Court for County," and those opposing the establishment of such court shall vote a ballot upon which shall be printed or written the words "Against General County Court for County."

Notice of election. Notice of such election shall be given at least thirty days prior to the election, signed by the chairman of the board of county commissioners and containing in substance the resolution passed by the board, the date of the election and a reference to the act creating the court, and which notice shall be published once a week for four successive weeks prior to said election in some newspaper published in the county and a copy thereof shall be posted at the courthouse door.

Any election held under the provisions of this act shall be conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for the members of the General Assembly, except as herein otherwise stated. The board of county commissioners shall appoint the registrars and judges of election and any other election officers necessary for holding said election, and registration and challenge of voters shall be conducted in the same manner as is now or may hereafter be provided for election of the

members of the General Assembly, except as herein set forth. The said board of county commissioners may or may not, in their discretion, order a new registration for any election held under this act. In case no new registration is ordered the registration books of each voting precinct shall be kept open for twenty days prior to the election for the purpose of allowing electors to register who have not theretofore registered in the township or voting precinct, of their residence, and who are entitled to register for said election; and the registration books shall close on Saturday next preceding the election, and the registrar shall transcribe the names of all persons who have registered for former elections in their townships, or voting precincts, and are otherwise qualified electors at said election upon a new registration book. The registrars are authorized and directed to register any person legally qualified and entitled to vote in their respective townships or voting precincts who apply for such purpose, in the same manner and under the same rules and regulations now or hereafter may be provided for registering electors for the general election in said county.

The vote cast at said election shall be counted at the close of the polls by the election officers and returned to the clerk of the said board of county commissioners of said county by a member of said election officers on the second day next succeeding the day of said election; and said board of county commissioners, at their next regular meeting, or at a called meeting, shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of said board of county commissioners, and no other recording and declaring of the result of said election shall be necessary. If a majority of the votes cast at said election is declared in favor of such court, it shall be established, and not otherwise. The expenses of said election shall be paid by the county commissioners out of the county fund.

1923, c. 216.

1565. Line 2, strike out "week" and insert "month." Jackson County only.
P. L. 1923, c. 211.

1582. Strike out period at end, insert a semicolon and add: *Provided*, the commissioners of Jackson County may rescind any order made by them establishing a recorder's court, and terminate the said court without restrictions, by first giving thirty days notice by an order duly recorded at a regular meeting of said board."

P. L. 1923, c. 113.

1608. As amended by c. 110, 1921, section 16, strike out "except as to Cherokee." Recorder's court for Cherokee abolished.

1923, c. 40.

In line 5, add after "Polk," "Madison."
1923, c. 19.

CHAPTER XXX

DIVORCE AND ALIMONY

1657. Add at end: *Provided*, that in all applications for alimony under this section it shall be competent for the husband to plead the adultery of the wife in bar of her right to such alimony, and if the wife shall deny such plea, and the issue be found against her by the judge, he shall make no order allowing her any sum whatever as alimony, or for her support, but only her reasonable counsel fees."

1923, c. 52.

CHAPTER XXXI

DOGS

1685. In line 2, as found in Chapter 116, Public Laws 1919, add after the word "repealed" the following: *Provided*, that this act shall not apply to the counties of Haywood, Yancey, Madison and Jackson."

1923, c. 84.

CHAPTER XXXII

ELECTRIC TELEGRAPH AND POWER COMPANIES

1698. In line 6 after the word "works" add "railroads or sidetracks." In line 14 after the word "development" add: *Provided, however*, that if the court, upon filing of the petition by such electric power or lighting company, shall find that any mill, excepting cotton mills now in operation, whether operated by water power or otherwise, together with the lands and easements adjacent thereto or used in connection therewith, is necessary for the development of any hydro-electric power plant in this State which is to be operated for the purpose of generating electric power for sale to the general public, and that said electric power or lighting company is unable to agree for the purchase of such property with the owners thereof, and that the failure to acquire such property will affect the ability of such electric power or lighting company to supply power to the general public, and that the taking of such mill will be greatly more to the benefit of the public than the continued existence of such mill, then the court, upon such finding, shall make an order authorizing the condemnation of such property and easements in all respects as in the cases of other property referred to in this section."

1923, c. 60.

CHAPTER XXXIII
EMINENT DOMAIN

1706. Add subparagraph 6: "Any educational, penal, hospital or other institution incorporated or chartered by the State of North Carolina, for the furtherance of any of its purposes, such institution being wholly or partly dependent upon the State for maintenance, and such institution shall be in need of land for its location, or such institution shall be in need of adjacent land for necessary enlargement of extension, or for land for the building of a road or roads or a side-track for railroads, necessary to the proper operation and completion of any such institution, and shall so declare through its board of directors, trustees or other governing boards by a resolution inserted in the minutes at a regular meeting or special meeting called for that purpose, such institution shall have all the powers, rights and privileges of eminent domain given under this chapter, to condemn and procure such land, and shall follow the procedure established under this chapter."

1923, c. 205.

Add subparagraph 7: "Chapter two, section ten, subsection (c), Public Laws one thousand nine hundred and twenty-one, is amended as follows: By adding at the end of subsection (c): *'Provided*, that when any person, firm or corporation owning a deposit of sand, gravel or other material, necessary for the construction of the system of State highways provided herein, upon first entering into a contract to furnish the State Highway Commission any of such material, at a price to be fixed by said Highway Commission, the State Highway Commission shall have the right to condemn the necessary right-of-way under the provisions of chapter thirty-three, Consolidated Statutes, entitled Eminent Domain, to connect said deposit with any part of the system of State highways or public carrier."

1923, c. 247.

CHAPTER XXXIV
ESTATES

1744. Strike out paragraph 1 and insert the following: *'Remainders to uncertain persons; procedure for sale; proceeds secured.* In all cases where there is a vested interest in real estate, and a contingent remainder over to persons who are not in being, or when the contingency has not yet happened which will determine who the remaindermen are, there may be a sale of the property by a proceeding in the Superior Court, which proceeding shall be conducted in the manner pointed out in this section. Said proceeding may be commenced by summons by any person having a vested interest in the land, and all persons *in esse* who are interested in said land shall be made parties defendant and served with summons in the way and manner now provided by law for the service of summons in other civil actions, as provided by subsection one, chapter ninety-two, of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and twenty-one, and service of summons upon nonresidents, or persons whose names and residences are unknown, by publication as now required by law or such service in lieu of publication as now provided by law. In cases where the remainder will or may go to minors, or persons under other disabilities, or to persons not in being whose names and residences are not known, or who may in any contingency become interested in said land, but because of such contingency cannot be ascertained, the clerk of the Superior Court shall, after due inquiry of persons who are in no way interested in or connected with such proceeding, designate and appoint some discreet person as guardian *ad litem*, to represent such remainderman, upon whom summons shall be served as provided by law for other guardians *ad litem*, and it shall be the duty of such guardian *ad litem* to defend such actions, and when counsel is needed to represent him, to make this known to the clerk, who shall by an order give instructions as to the employment of counsel and the payment of fees. The clerk of the Superior Court is authorized to make all orders for the sale of property under this section, and for the reinvestment or securing and handling of the proceeds of such sales, but no sale under this section shall be had until the same has been approved by the resident judge of the district, or the judge holding the courts of the district at the time said order of sale is made."

1923, c. 69.

1745. Validate judgments for sale of contingent remainders. Re-enacted so as to apply to conditions as they were on March 6, 1923.

1923, c. 64.

CHAPTER XXXVII
FISH AND FISHERIES

1869. Amended to read as follows: For the purpose of enforcing laws relating to all fish, there is hereby created a Fisheries Commission, which shall consist of eleven members appointed by the Governor and confirmed by the Senate, at least six of whom shall be from the several fishing districts of the State, and shall have a practical knowledge of or be familiar with the fishing industry, who shall be denominated the Fisheries Commission Board. Four of said members shall be appointed for a term of two years from April first, one thousand nine hundred and twenty-three, four for a term of four years from said date, and three for a term of six years from said date, and shall be so designated by the Governor in his message to the Senate appointing them. Any commissioner appointed by the Governor under this act may be removed by him for cause. In the case of death, resignation, removal from the State, removal by the Governor for cause,

or mental disability of any commissioner during his term of office, his successor shall be appointed by the Governor to fill out the unexpired term, and such appointment shall be reported to the next session of the Senate for its action. If the Senate shall refuse to confirm any appointee of the Governor, then it shall be his duty to appoint another and send his name to the Senate for its action. At the expiration of the term of office of any of said commissioners, his successor shall be appointed in a like manner by the Governor for a term of six years.

The eleven members shall receive four dollars per day each, and traveling expenses while attending meetings of the board: *Provided*, the per diem and expenses shall not exceed two hundred and fifty dollars (\$250.00) each per annum: *Provided further*, that the chairman shall receive such compensation as the board may allow.

Any money that may be in the State Treasury on April first, one thousand nine hundred and twenty-three, to the credit of the present Fisheries Commission Board shall be held by the State Treasurer to the credit of the Fisheries Commission Board created by this act, and said board is authorized to pay out of the Fisheries Commission fund all just claims that may be outstanding against the present Fisheries Commission Board. All boats, fishing and oyster tackle, office supplies, stationery, and all other supplies of whatever character belonging to the present Fisheries Commission Board shall be transferred to the Fisheries Commission Board created by this act on or before April first, one thousand nine hundred and twenty-three.

All powers and duties imposed by chapter thirty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, and the amendments heretofore or hereafter made to the same, upon the present Fisheries Commission Board be and the same are hereby conferred upon the Fisheries Commission Board created by this act.

1923, c. 168.

1893. In line 11, strike out "crab meat ten cents a gallon," and insert "crab meat, two and one-half cents a gallon."

1923, c. 170.

1966. Chapter 234, Public Laws 1921, repealed. Lines 1 and 2 of section 1966 read as follows: "It is unlawful for any person, firm or corporation, not a citizen or resident of the State of North Carolina."

Paragraph 3, line 2, add after the word "conviction" the following: "In any county opposite the place at which said act is done."

1923, c. 154.

2078. Insert between "Hertford" and "Johnston": "Jackson" open season for trout.
P. L. 1923, c. 197, section 3.

Dynamite or other explosive prohibited.

P. L. 1923, c. 197, Section 6.

CHAPTER XL

GUARDIAN AND WARD

2180. In second line from bottom strike out "the minority of the ward" and insert "in excess of the term fixed by the court in its decree."

That all married women under the age of twenty-one years shall have the same privilege to renounce their dower rights as are now conferred upon married women twenty-one years old and over.

1923, c. 67.

CHAPTER XLV

JURORS

2334. Robeson County grand jurors serve for 12 months.

1923, c. 11.

Add: "At the spring term of the criminal court held for the county of Gates, and for the county of Camden, grand jury shall be drawn, the presiding judge shall charge them as provided by law, and they shall serve for twelve (12) months: *Provided*, that at any time the judge of the Superior Court presiding over the criminal courts of Gates County or Camden County may call said jury to assemble and may deliver unto said grand jury an additional charge: *Provided further*, that the judge of the Superior Court presiding over the criminal courts of Gates and of Camden counties may at any time discharge said grand jury from further service, and may cause a new grand jury to be drawn, which shall serve during the remainder of the said twelve (12) months."

1923, c. 15.

Add: "At the April term of Superior Court held for the county of Hoke a grand jury shall be drawn, the presiding judge shall charge it as provided by law, and it shall serve until the following April term, Hoke Superior Court: *Provided*, that at any time the judge of the Superior Court presiding over either criminal or civil court in said county may call said grand jury to assemble and may deliver unto said grand jury an additional charge: *Provided further*, that the judge of the Superior Court presiding over either criminal or civil court in said county may at any time discharge said grand jury from further service, in which event he shall cause a new grand jury to be drawn, which shall serve out the unfinished year."

1923, c. 104.

Add: "At the first fall and spring terms of the criminal courts held for the county of Nash the grand jurors shall be drawn, the presiding judge shall charge them as provided by law and they shall serve during the remaining fall and spring terms respectively: *Provided*, that the grand jurors drawn at the next criminal term in said county following the ratification of this act shall serve during the remaining spring term."

1923, c. 115.

CHAPTER XLVI

LANDLORD AND TENANT

2366. In line 8 between "Greene" and "Halifax" insert "Granville."
P. L. 1923, c. 141.

CHAPTER XLIX

LIENS

2445. Add at end: "Every bond given by any contractor to any county, city, town or other municipal corporation for the building, repairing or altering of any building, public road or street, as required by this section, shall be conclusively presumed to have been given in accordance therewith, whether such bond be so drawn as to conform to the statute or not, and so this statute shall be conclusively presumed to have been written into every such bond so given."

"Only one action or suit may be brought upon such bond, which said suit or action shall be brought in the county in which the buildings, road or street is located, and not elsewhere. In all suits instituted under the provisions of this statute, the plaintiff or plaintiffs shall give notice to all persons, informing them of the pendency of the suit, the name of the parties, with a brief recital of the purposes of the action, which said notice shall be published at least once a week for four successive weeks in some newspaper published and circulating in the county in which the action is brought, and if there be no newspaper, then by posting at the courthouse door and three other public places in such county for thirty days. Proof of such service shall be made by affidavit as provided in case of the service of summons by publication. All persons entitled to bring and prosecute an action upon the bond shall have the right to intervene in said action, set up their respective claims, provided that such intervention shall be made within twelve months from the bringing of the action, and not later. If the recovery on the bond shall be inadequate to pay the amounts found due to all of the claimants, judgment shall be given to each claimant pro rata of the amount of the recovery. The surety on such bond may pay into court for distribution among the claimants the full amount of his liability, to wit, the penalty named in the bond, and upon so doing, such surety shall be relieved from further liability.

"This act shall not affect pending suits and litigation."
1923, c. 100.

CHAPTER L

MARRIAGE

2494. In line 2, strike out "fourteen" and insert "sixteen."

Add at end: "Provided, that females over fourteen years of age and under sixteen years of age may marry under a special license to be issued by the register of deeds, which said special license shall only be issued after there shall have been filed with the register of deeds a written consent to such marriage, signed by one of the parents of the female or signed by that person standing in *loco parentis* to such female, and the fact of the filing of such written consent shall be set out in said special license."

1923, c. 75.

2500a. Amend by adding: "Provided, where a city or town is located in two or more counties, then the physician who practices medicine and surgery in the State and lives in said city may examine and execute such certificate in either county in which said city may be located: "Provided further, that any physician who practices medicine and surgery in the State and lives within a radius of three miles of the county line in which the license is applied for may examine and execute such certificate."

1923, c. 101.

CHAPTER LIV

MORTGAGE AND DEEDS OF TRUST

2594. Subsection 2, line 10, insert after the word "instrument" the following: "Provided, that if such mortgage or deed of trust provides in itself for the payment of money and does not call for or recite any note secured by it, then the exhibition of such mortgage or deed of trust alone to the register of deeds or his deputy, with endorsement of payment and satisfaction shall be sufficient."

1923, c. 195.

Add a new subsection as follows:

"That the conditions of every mortgage, deed of trust, or other instrument securing the payment of money shall be conclusively presumed to have been complied with or the debt secured thereby paid as against creditors or purchasers for a valuable consideration from

the trustor, mortgagor, or grantor, from and after the expiration of fifteen years from the date when the conditions of such instrument by the terms thereof are due to have been complied with, or the maturity of the last installment of debt or interest secured thereby, unless the holder of the indebtedness secured by such instrument or party secured by any provision thereof shall file an affidavit with the register of deeds of the county where such instrument is registered, in which shall be specifically stated the amount of debt unpaid, which is secured by said instrument, or in what respect any other condition thereof shall not have been complied with, whereupon the register of deeds shall record such affidavit and refer on the margin of the record of the instrument referred to therein the fact of the filing of such affidavit, and a reference to the book and page where it is recorded. Or in lieu of such affidavit the holder may enter on the margin of the record any payments that have been made on the indebtedness secured by such instrument, and shall in such entry state the amount still due thereunder. This entry must be signed by the holder and witnessed by the register of deeds.

"Provided, however, that this subsection shall not apply to any deed, mortgage, deed of trust or other instrument made or given by any railroad company, or to any agreement of conditional sale, equipment trust agreement, lease, chattel mortgage or other instrument relating to the sale, purchase or lease of railroad equipment or rolling stock, or of other personal property.

"In case of foreclosure of any deed of trust, or mortgage, the trustee or mortgagee shall enter upon the margin of the record thereof the fact of such foreclosure and the date when, and the person to whom, a conveyance was made by reason thereof.

"It shall be the duty of any trustee or mortgagee making sale under the provisions of any power to file an account with the clerk of the Superior Court in the county where the land lies as is required by commissioners making sales for partition, and for the auditing and recording of said account the clerk shall be allowed the same fees as are provided for auditing accounts of such commissioners.

"Upon ratification of this act the Secretary of State shall certify copies thereof to every register of deeds in the State, whose duty it shall be to post such copies in a conspicuous place in his office and cause the same to be published for one month in some newspaper in the county. The expense of such publications shall be borne by the county.

"This act shall be in force from and after January first, one thousand nine hundred and twenty-four."

1923, c. 192.

CHAPTER LV

MOTOR VEHICLES

2614. Add at end: "Any person who, being the owner, or in charge of any motor vehicle, authorizes or knowingly permits a person under the age of sixteen years to operate such motor vehicle along any public street or public highway in the State of North Carolina shall be guilty of a misdemeanor, and shall be punished by a fine not in excess of the sum of fifty dollars (\$50.00). The term motor vehicle as used herein shall be construed to mean those vehicles it is construed to mean in section two thousand five hundred and ninety-eight of the Consolidated Statutes."

1923, c. 202.

2616. Add at end: "No person operating any motor vehicle upon a public road shall cross, or attempt to cross, any railroad or interurban track intersecting the road at grade other than a crossing at which there is a gate or a watchman except an electric railway track in a city, town, or village) without first bringing said motor vehicle to a full stop at a distance not exceeding fifty (50) feet from the nearest rail. That no failure so to stop however, shall be considered contributory negligence *per se* in any action against the railroad or interurban company for injury to person or property; but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether the plaintiff was guilty of contributory negligence.

"Every railroad or interurban company operating or leasing any track intersecting a public road at grade shall place a sign-board not less than ten feet from the ground, on the right side of the road, forty inches by fifty inches, one hundred feet from said crossing, which shall be painted with read lettering to insure warning of proximity of the crossing and notice to stop said motor vehicle, with the following: "N. C. Law. Stop!": *Provided*, this act shall not interfere with the regulations prescribed by towns and cities.

"Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars, or imprisoned not more than ten days, or both, in the discretion of the court."

1923, c. 255.

CHAPTER LVI

MUNICIPAL CORPORATIONS

2717. Line 10, strike out "confirmation of the assessment roll" and insert: "computation and ascertainment by the governing body after the completion of the local improvement of the total cost thereof, providing that this act shall not apply to improvements made under an ordinance prior to the ratification of this act."

1923, c. 87.

2787. Add at end of paragraph 25: "Also, to insure policemen, firemen or any class of city employees against death or disability, or both, during the term of their employment, under forms of insurance known as group insurance; the amount of benefit on

the life of any one person not to exceed the sum of \$2,000 and the premiums on such insurance to be payable out of the current funds of the municipality."

1923, c. 20.

2791-2792. Add: It is the intention of this act that the powers herein granted to cities for the purpose of improving their streets and improving their drainage and sewerage conditions shall be in addition and supplementary to those powers granted in their charters, and in any case in which the provisions of this act are in conflict with the provisions of any local statute or charter, then the governing body of any municipality may in its discretion proceed in accordance with the provisions of such local statute or charter, or, as an alternative method of procedure, in accordance with the provisions of this act.

When it is proposed by any municipal corporation to condemn any land, rights, privileges or easements for the purpose of opening, extending, widening, altering or improving any street or alley, or changing or improving the channel of any branch or watercourse, for the purpose of improving the drainage conditions, or the laying and construction of sanitary, storm, or trunk sewer lines in such municipality, an order or resolution of the governing body of the municipality at a regular or special meeting shall be made stating generally, or as nearly as may be, the nature of the proposed improvement for which the land is required, and shall lay out, constitute and create an assessment district extending in every direction to the limits of the area or zone of damage or special benefits to property resulting from said improvement, in the best judgment of said governing body. Said governing body shall cause such maps and surveys to be made showing the area of such assessment district and improvements proposed to be made, and of all the lands located in said assessment district, as it may deem necessary. The governing body shall appoint a time and place for its final determination thereof, and cause notice of such time and a brief description of such proposed improvement to be published in some newspaper published in said municipality for not less than ten days prior to said meeting. At said time and place said governing body shall hear such reasons as shall be given for or against the making of such proposed improvement, and it may adjourn such hearing to a subsequent time.

Whenever a final order shall be made by such governing body creating such assessment district and directing the laying out, opening, extending, altering, straightening or widening any street or alley, or the changing or otherwise improving any channel or watercourse for the purpose of improving the drainage conditions, or the building and construction of any sanitary, storm or trunk sewer lines in any such municipality, also its determination to condemn land, rights, privileges or easements for the purpose of making such proposed improvement, it shall determine what proportion of the estimated cost thereof, if any, shall be assessed against the city at large. After the adoption of such final order, as aforesaid, the governing body of such municipality shall file with the clerk of the Superior Court its petition, praying for the appointment of three commissioners to estimate and assess the expenses of the proposed improvement and to appraise and value the real property, rights, privileges or easements proposed to be taken or condemned for public use, also to appraise the value of the benefits accruing from such improvement to all property as shown and described on the maps or surveys of such assessment district. The petition shall set forth and describe the particular property, rights, privileges or easements proposed to be taken or condemned for the purposes, as aforesaid, also all other property situated and located in said assessment district, as shown on the maps or surveys of same, a copy or copies of which maps or surveys shall be filed with such petition, and such petition shall state the names and addresses of the owner or owners who have any interest in the lands therein which may be affected by the said condemnation or the said assessment of benefits, and whether any of the said owners are minors or without guardians.

Upon the filing of said petition the clerk of the Superior Court shall issue a summons to the parties interested in the lands, rights, privileges or easements sought to be taken for public use and benefits proposed to be assessed, described in such petition, requiring them to appear at his office in the courthouse of said county on a day at least ten and not more than twenty days after the service of said summons, and answer or otherwise plead to the petition, or show cause why such condemnation, improvement and assessment of benefits should not be made. The said proceeding shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties and appoint guardians in like manner as is provided by law in the case of special proceedings.

The clerk of the Superior Court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, he shall make an order appointing three disinterested competent freeholders of the county as such commissioners. The clerk shall issue a notice of their appointment to the said freeholders, to be served upon them by the sheriff of the county, and, when so notified, they shall within five days after being sworn to perform the duties which shall devolve upon them, go upon the premises and ascertain the value of the land, rights, privileges or easements to be taken for public use, determine by a majority vote the amount of damages, if any, to be paid for the same. Said commissioners shall also go upon the lots or lands described in the petition and shown on such map or survey of such assessment district, including the land condemned or any remainder thereof, and ascertain and determine by a majority vote the value of the benefits or advantages to such lots or lands accruing from the opening, extending, widening or improving said street or alley, or the changing or improving the channel of any branch or watercourse, or the building and construction of such sanitary, storm or trunk line sewers, both such benefits or advantages as are special to such lots and the benefits or advantages in common with other lots located in said assessment district: *Provided*, that if, in the judgment of the commissioners, any portion of the benefits accrue to the city at large, then a part of the estimated cost of such improvement, not exceeding the proportion fixed by said governing body in its final order or resolution, shall be assessed upon the city at large. Before making the reports hereinafter referred to the

commissioners may take the evidence of witnesses as to the estimated cost of such improvement, the damage to such land or lands so condemned for public use, and the amount that should be paid therefor, and the benefits accruing to all other lands within such assessment district, either special or in common with others, as shown on such map or survey. In making the valuation and assessments aforesaid, the commissioners shall consider the loss or damage that may accrue to the owner or owners of the land condemned by reason of the surrender of the land or easement, and also any benefit of advantage such owner or owners may receive by reason of the making of such improvements, special to his land or in common with other lots located in said assessment district.

The said commissioners shall make a separate written report of their findings to the clerk of the Superior Court within ten days after notice of their appointment, relative to the land, rights, privileges or easements so condemned, together with the amount to be paid each owner thereof, and upon deposit with the said clerk of the amount determined by said commissioners to be due said owners by such municipality, such land, rights, privileges or easements shall be deemed to be acquired for public use.

The said commissioners shall make a separate written report of their findings to the clerk of the Superior Court within ten days after notice of their appointment, relative to the benefits or advantages so appraised against said lands located in said assessment district, if any, giving the names of the owners thereof and the amount so appraised against each, with a brief description of the lots or parcels of land so appraised. The clerk shall thereupon deliver to the said governing body of such municipality a certified copy of such appraisal of benefits, which certified copy of appraisal of benefits, upon such receipt by said governing body, shall thereupon become an assessment roll, which the governing body shall cause to be deposited in the office of the clerk of the municipality for inspection by parties interested and shall cause to be published a notice of the completion of such assessment roll, setting forth a description in general terms of the local improvement, and the time fixed for the meeting of the governing body for the hearing of allegations and objections relative to the adoption of such assessment roll, such meeting not to be earlier than ten days from the first publication of such notice, which publication shall be made in a newspaper published in such municipality. At the time appointed for the purpose, or to some other time to which it may adjourn, the governing body, or a committee thereof, must hear the allegations and objections of all persons interested who appear and make proof in relation thereto. The governing body may thereupon correct such assessment roll and either confirm the same or may set it aside and provide for a new appraisal of benefits in such proceeding pending before the clerk of the Superior Court. Whenever the governing body may confirm an assessment for such improvement the clerk of the municipality shall enter on the minutes of the governing body the date, hour and minute of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the real property against which the same are assessed, superior to all other liens and encumbrances. Such governing body shall have the power and authority to provide that such assessments may be paid in equal annual installments not exceeding a period of five years.

If a person assessed is dissatisfied with the amount of the charge, he may give notice of appeal in said proceeding pending before the clerk of the Superior Court as hereinafter provided for. The governing body may correct, cancel or remit any assessment in connection with such improvement. After the assessment roll is confirmed a copy of the same must be delivered to the tax collector or other officer charged with the duty of collecting taxes, and such assessments shall be due and payable on the date on which taxes are payable and shall be collected like other taxes. In the event the governing body authorizes the payment of any assessment by installment, such installments shall bear interest at the rate of six per centum from the date of the confirmation of the assessment roll, and in case of the failure or neglect of any person to pay any such installments when the same shall become due and payable, then and in that event all of the installments remaining unpaid shall at once become due and payable.

The total value of the benefits assessed against the lots or land situated and located in said assessment district shall not exceed the total net amount of damages to be paid by the municipality to the owner or owners of the land or right condemned, together with the cost of such improvement as estimated by said commissioners. If any party to the proceedings shall be dissatisfied with the report of the commissioners, or the assessment levied by the said governing body, he may file exceptions thereto with the clerk of the Superior Court within ten days after the filing of said report with said clerk, or in the event the appeal be from the levying of the assessment by said governing body, within ten days after the confirmation of such assessment roll by such governing body, and the issues of fact and law raised before the clerk in the said proceedings and upon the said exceptions shall be transferred to the Superior Court for trial in like manner as provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term after they are transferred, unless for a good cause shown a trial or hearing of the matter may be continued by the court. From the judgment of the Superior Court rendered in said proceeding any of the parties may appeal to the Supreme Court, as in other cases pending in the Superior Court: *Provided*, that if such municipality, at the time of the appraisal, shall pay into the court the sum appraised by the commissioners as being due any person for land so condemned and taken for public use, then and in that event such municipality may enter, take possession of and hold said lands notwithstanding the pendency of any appeal, and no appeal either to the Superior Court or the Supreme Court shall hinder or delay such municipality in proceeding with such proposed improvement.

In all cases of appraisal under this act, whether the mode or manner of procedure is not expressly or sufficiently provided for herein, the court before which such proceedings may be pending shall have the power to make all necessary orders and give proper directions to carry into effect the object and intent of this act, and the practice and procedure in

such cases shall conform as nearly as may be to the ordinary practice and procedure in such court.

When any proceedings for appraisal of property or rights under this act shall have been instituted, no change of ownership or transfer or the real estate, or any interest therein, or of the subject-matter of the appraisal, or any part thereof, shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made, or attempted to be made.

If at any time after proceedings under this act shall have been instituted it shall be found that the title to any property or right proposed to be condemned, or which has been acquired or condemned, is defective, said municipality may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of the new proceeding the court may authorize the municipality, if in possession of said property or rights, to continue in possession of the same, and if not in possession, to take possession and use such property or rights during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the municipality on account thereof, and in every case any party interested may conduct the proceedings to a conclusion if the municipality delays or omits to prosecute the same.

If the title to any property, rights, privileges or easements condemned in any proceedings instituted under this act shall prove to be defective, such municipality may by action recover of the person or persons who have received compensation for the property or rights so condemned any loss or damage the city may have sustained by reason of said defect of title not exceeding the amount paid as compensation for the taking of said property or rights.

Where any notice is required to be given in said proceedings before the court and the person to be notified is a nonresident of the county in which said proceedings are pending, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be, and if the said person is a nonresident of the State, the notice may be served by the publication thereof once a week for four weeks in a newspaper published in such municipality, and the affidavit of the publisher, proprietor or foreman of said newspaper that said notice was so published shall be sufficient *prima facie* evidence or proof of such publication, and the time of notice shall be counted from the last day on which the notice was inserted in said newspaper.

A copy of the final judgment of the court, duly certified by its clerk, may be registered in the office of the register of deeds for said county, and said copy so certified, or a copy of the registry of such judgment duly certified by the register of deeds, shall be received as evidence in all courts of the State, and where the said copy is offered in evidence in any court not held in the county in which the judgment is rendered, the certificate shall have affixed the official seal of the certifying officer.

The commissioners appointed by the clerk of the Superior Court to make the appraisals provided for herein shall receive compensation at the rate of five dollars (\$5.00) per day each, which compensation shall be taxed in the court costs of such proceedings.

1923, c. 220.

2792. In line 4 between "section" and "condemnation" insert: "or for a site for city hall purposes."

1923, c. 181.

2805. Add at the end: It is the intention of this act that the powers herein granted to municipalities shall not repeal any special or local law or affect any proceedings under any special or local law relative to providing, constructing, establishing, maintaining or operating any system of sewerage in any municipality, or for the raising of funds therefor, but shall be deemed to be additional and independent legislation for such purposes, and to provide an alternative method of procedure for such purposes, and supplementary to those powers granted municipalities in their charters. In any case in which the provisions of this act are in conflict with the provision of any local statute or charter, then the governing body of any such municipality may, in its discretion, proceed in accordance with the provisions of such local statute or charter, or as an alternative method of procedure in accordance with the provisions of this act.

When it is proposed by any municipality to provide, construct and establish a system of sewerage, or to provide for the extension of any such system, an order or resolution of the governing body of such municipality at a regular or special meeting shall be made stating generally, or as nearly as may be, the nature of the proposed improvement. In such order or resolution such governing body may provide that the actual cost of the establishment and construction of such sewerage system, or any extension thereof, shall be assessed upon the lots and parcels of land abutting directly on the lateral mains of such sewerage system, or extension thereof, according to the extent of the respective frontage thereon, by an equal rate per foot of such frontage. Such governing body may provide in such order or resolution that the assessments to be levied in connection with such work may be paid in equal installments covering a period of not exceeding five years. Such order or resolution shall designate by a general description the improvement to be made, and the street or streets, or part or parts thereof, whereon the work is to be effected and the cost thereof to be assessed upon all abutting property, and the terms and manner of payment. Such order or resolution after its passage shall be published in a newspaper published in such municipality, or if there be no such newspaper, such order or resolution shall be posted in three public places in such municipality for at least five days.

Upon the completion of the construction and establishment of any such sewerage system, or of any such extension, the governing body shall compute and ascertain the total cost thereof. The governing body shall thereupon make an assessment of such total cost, and for that purpose shall make out an assessment roll, in which must be entered the names of

the persons assessed as far as can be ascertained, and the amount assessed against them respectively, with a brief description of the lots or parcels of land assessed.

Immediately after such assessment roll has been completed, the governing body shall cause it to be deposited in the office of the clerk of the municipality for inspection by parties interested, and shall cause to be published in the same manner as the order or resolution authorizing such work, a notice of the completion of the assessment roll, setting forth a description in general terms of the improvement, and the time fixed for the meeting of the governing body for a hearing of allegations and objections in respect of the special assessment, such meeting not to be earlier than ten days from the first publication of posting of said notice.

At the time appointed for that purpose, or at some other time to which it may adjourn, the governing body, or a committee thereof, must hear the allegations and objections of all persons interested, who appear and make proof in relation thereto. The governing body may thereupon correct such assessment roll, either confirm the same or may set it aside, and provide for a new assessment. Whenever the governing body shall confirm an assessment for such a local improvement, the clerk of the municipality shall enter on the minutes of the governing body the date, hour and minute of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the real property against which the same are assessed, superior to all other liens and encumbrances. After the assessment roll is confirmed a copy of the same must be delivered to the tax collector, or other officer charged with the duty of collecting taxes.

If a person assessed is dissatisfied with the amount of the charge, he may give notice within ten days after such confirmation that he takes an appeal to the next term of the Superior Court of the county in which the municipality is located, and shall within five days thereafter serve a statement of facts upon which he bases his appeal; but the appeal shall not delay or stop the improvements. The appeal shall be tried at the term of court as other actions at law.

The governing body may correct, cancel or remit any assessment for a local improvement, and may remit, cancel or adjust the interest or penalties on any such assessment. The governing body has the power when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon to make a reassessment.

In the event such governing body of such municipality shall provide that said assessment may be paid in equal annual installments, then and in that event the property owner shall have the option and privilege of paying for the improvement as hereinbefore provided for, in cash, or if they should elect and give notice of the fact in writing to the municipality within thirty days after the notice mentioned in the next succeeding section they shall have the option and privilege of paying the assessment in not less than the number or equal annual installments as may have been determined by the governing body in the original order or resolution authorizing the improvement. Such installments shall bear interest at the rate of six per cent per annum from the date of the confirmation of the assessment roll, and in case of the failure or neglect of any property owner to pay any installment when the same shall become due and payable, then and in that event all of the installment remaining unpaid shall at once become due and payable, and such property shall be sold by the municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. The whole assessment may be paid at the time of paying any installment by the payment of the principal and the interest accrued to that date.

After the expiration of twenty days from the confirmation of an assessment roll the tax collector, or such other officer of the municipality as the governing body may direct so to do, shall cause to be published in a newspaper, or, if there is no such newspaper, shall cause to be posted in at least three public places therein a notice that any assessment contained in the assessment roll, naming and describing it, may be paid to him at any time before the expiration of thirty days from the first publication of the notice, without any addition. In the event the assessment be not paid within such time the same shall bear interest at the rate of six per cent per annum from the date of the confirmation of the assessment roll and shall become due and payable on the date on which taxes are payable: *Provided*, that when an assessment is divided into installments, one installment shall become due and payable each year on the date on which taxes are due and payable. If any assessment or installment thereof is not paid when due, it shall be subject to the same penalties as are now prescribed for unpaid taxes, in addition to the interest herein provided for.

1923, c. 166.

2886. In line 10, strike out all after the period down to and including the word "dollars" in line 12 and insert: "In cities of twenty-five to forty thousand inhabitants the mayor shall receive three thousand five hundred dollars (\$3,500.00) and the commissioners each three thousand two hundred and fifty dollars (\$3,250.00). In cities of over forty thousand inhabitants the mayor shall receive four thousand five hundred dollars (\$4,500.00), and the commissioners each four thousand two hundred and fifty dollars (\$4,250.00)."

1923, c. 203.

CHAPTER LVIII

NEGOTIABLE INSTRUMENTS

2985. Add: "An instrument is payable at a determinable future time, within the meaning of this chapter, notwithstanding the fact that it contains a provision waiving notice of protest, notice of dishonor, and an agreement to be bound notwithstanding any extension of time which may be granted. Or if collaterals have been deposited as security for the payment thereof and the instrument contains a provision that if the value of the

securities so deposited has so decreased or declined as to render the holder insecure, the holder may require the maker to deposit other and further collaterals to secure the same, and, upon failure to comply with such demand, to declare the instrument due at once. An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect, but an instrument payable at a determinable future time is negotiable, even though it may mature or be declared due upon a contingency happening before such future time."

1923, c. 72.

3175a. In every case where deed and other instruments have been acknowledged and privy examination of wives had before notaries public, when the notary public at the time was interested as trustee in said instrument or at the time was also holding some other office, and the deed or other instrument has been duly probated and recorded such acknowledgment and privy examination taken by such notary public is hereby declared to be sufficient and valid: *Provided*, this act shall not affect pending litigation.

1923, c. 61.

CHAPTER LXV

PROBATE AND REGISTRATION

3318. Add at end: "Where any map or plat has been recorded, either by transcribing a correct copy thereof upon or by permanently attaching the original to the records or in a book designated 'Books of Plats,' such map or plat shall be deemed to have been recorded in full compliance with this section, notwithstanding the fact that the same has not been probated in accordance with the provisions of section thirty-three hundred and eighteen; and the registration of all plats and maps which have been recorded by transcribing a correct copy thereof upon or by permanently attaching the original to the records or in a book designated 'Book of Plats' is hereby validated as fully as if the statute had been fully and completely complied with: *Provided*, this bill shall not apply to pending litigation."

"This act shall not affect any vested rights accrued prior to its ratification."

1923, c. 105.

CHAPTER LXVI

PROHIBITION

3405. Add at end: "In Rockingham County not less than twenty per cent, and not more than twenty-five per cent of the proceeds derived from said sale may be paid by the county board of education of Rockingham County to the sheriff or other officers who seized said property." All allowances heretofore made by the county board of education of Rockingham County from the proceeds of the sale of captured cars or vehicles to the sheriff or other officer who seized the same are hereby validated and approved.

P. L. 1923, c. 158.

CHAPTER LXVII

RAILROADS AND OTHER CARRIERS

3457. In lines 5 and 6 strike out 'it shall be lawful for and the duty of the Secretary of State' and insert: "The Secretary of State may in the exercise of his sound discretion."

1923, c. 245.

3484. In line 3 add, after the words "construction company," "or manufacturing company."

1923, c. 23.

CHAPTER LXXI

SALARIES AND FEES

3853. Strike out period at end, insert semicolon, and add: "And as additional compensation to that herein provided for, the principal clerks of the Senate and House of Representatives shall each receive the sum of two dollars per day during the session of the General Assembly."

1923, c. 142.

3870. Strike out that portion of line 5 which begins with "The" and all of lines 6 and 7 and insert: "The Attorney-General shall also be allowed a stenographer who shall serve also as criminal statistics clerk, whose salary shall be fixed by the Governor and Council of State not to exceed twenty-four hundred dollars per year."

1923, c. 177.

3891a. From and after the thirtieth day of September, one thousand nine hundred and twenty-four, the several solicitors of the judicial districts of the State of North Carolina shall each receive, as full compensation for their services as solicitor, the sum of four thousand five hundred dollars (\$4,500.00) per annum, to be paid in equal monthly installments out of the State Treasury upon warrants duly drawn thereon. That said salary shall be paid in lieu of all fees or other compensation now or hereafter allowed by law to solicitors for performing the duties of their office.

Each solicitor shall receive, in addition to the salary named in section one, the sum of seven hundred and fifty dollars, which shall cover all of his expenses while engaged in duties connected with his office. Said sum shall be paid in equal monthly installments out of the State Treasury upon warrants duly drawn thereon.

The clerks of the Superior Court of the several counties in the State shall, in computing all bills of cost in criminal cases where the solicitor has heretofore received a fee, tax in the bill of costs the same fees now allowed to the solicitor, which shall be collected by the clerks and paid into the school fund of their respective counties: *Provided*, that no such fees which are now required by law to be paid by the county shall be taxed in said bill of costs, nor shall any such fees be taxed in said bill of costs in cases where the defendants are assigned to work on the public roads of the county in which they were convicted.

1923, c. 157.

3892. Fees of Jurors in Columbus County shall be as set forth in this section.

P. L. 1923, c. 218.

Section made to apply to Camden County.

P. L. 1923, c. 303.

3904. Add between Bertie and Forsyth: "The Clerk of the Superior Court of Chowan County shall receive for his services in writing up the minutes of a term of Superior Court the sum of fifteen dollars for each week or part thereof during which said court is in session and transacting business."

P. L. 1923, c. 92.

3908. As amended by Chapter 578 P. L. 1921 made to apply to Person County.

P. L. 1923, c. 60.

3923. As amended by Chapter 113 P. L., 1921 made to apply to Granville and Person Counties.

1923, c. 28.

CHAPTER LXXXI

WILLS

4139a. Chapter ninety-nine of the Public Laws of one thousand nine hundred and twenty-one is amended by inserting in the fifth line of section one, immediately following the word "thereto," in said fifth line, the words, "or a devisee or legatee therein, or if said clerk shall have any pecuniary interest in the property disposed of by said will," and by inserting in line fifteen thereof, and immediately following the word "thereto" in said line fifteen, the following words: "or a devisee or legatee therein, or who had a pecuniary interest in the property disposed of by said will."

1923, c. 14.

4150. In line 11, after the word "county" insert: "Or inside of the county."

1923, c. 59.

CHAPTER LXXXII

CRIMES AND PUNISHMENTS

4209. If any male person shall carnally know or abuse any female child, over twelve and under sixteen years of age, who has never before had sexual intercourse with any person, he shall be guilty of a felony and shall be fined or imprisoned in the discretion of the court; and any female person who shall carnally know any male child under the age of sixteen years shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court: *Provided*, that if the offenders shall be married or shall thereafter marry, such marriage shall be a bar to further prosecution.

All persons charged with a violation of this act under the age of sixteen years shall be subject to the jurisdiction of the juvenile court and such other courts as may hereafter exercise such jurisdiction, and shall be classed as delinquents and not as felons: *Provided*, that where the offenders agree to marry, the consent of the parents shall not be necessary: *Provided further*, that any male person convicted of the violation of this act, who is under eighteen (18) years of age, shall be guilty of a misdemeanor only.

1923, c. 140.

4352. Line 7, strike out word "Cleveland."

P. L. 1923, c. 8.

Lines 7 and 8 strike out "Pitt" and "Pasquotank."

P. L. 1923, c. 173.

4410. Line 7, strike out "fifty" and insert "one hundred."

Line 9, strike out period, insert comma and add: "For the first offense, and for the second and subsequent offenses he shall be fined not less than two hundred dollars or more than five hundred dollars, or imprisoned for not less than four months or more than two years, at the discretion of the court, but that in the case of a first or subsequent offense the court shall have no power to suspend judgment upon the payment of costs. It shall be the duty of the prosecuting attorney in all cases to ascertain whether or not the charge is the first, second or subsequent offense, and if it shall be the second or subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence of said second or subsequent offense before the trial court."

Applies only to the counties of Halifax and Northampton.

1923, c. 57.

Line 7, strike out "fifty" and insert "one hundred."

Applies to Durham County only.

1923, c. 48.

4423. Add 4423a: Any person who shall willfully and maliciously injure or attempt to injure any person, or any building in actual use for residential or business purposes or customarily devoted to any such use or any contents thereof, by the use of nitroglycerin, dynamite, gunpowder, or other high explosive, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State's prison for not less than five years and not more than thirty years.

If any two or more persons shall conspire to willfully and maliciously injure any person, or any building in actual use for residential or business purposes or customarily devoted to any such use or any contents thereof, by the use of nitroglycerin, dynamite, gunpowder, or other high explosive, each and every one so conspiring shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State's prison for not less than two years and not more than fifteen years.

1923, c. 80.

4481. At end, between period and "Halifax" insert "Granville and Person."

1923, c. 32.

CHAPTER LXXXIV

AGRICULTURE

4690. Line 8, strike out period, insert semicolon and add: "*Provided*, that the materials supplying nitrogen or ammonia shall be divided into two classes, namely, mineral and organic; and the percentage of nitrogen or ammonia coming from either of these classes shall be guaranteed, but allowing a variability of one-fourth of one per cent for goods containing two per cent of ammonia or under, and a variability of one-third of one per cent for goods containing two to three per cent ammonia, and a variability of one-half of one per cent for goods containing over three per cent ammonia; and the several materials in each of these two classes shall be named on the bag or on a tag attached thereto, and it shall be permissible for the manufacturer to substitute one or more materials in either class of approximately equal agricultural value for another material of the same class: *Provided further*, that where there is a contract or agreement between a manufacturer and a purchaser of fertilizer that the fertilizer will be manufactured by the use of certain definite sources and amounts of ammonia and potash, the fertilizer must be manufactured from these materials without the substitution of other materials, and failure on the part of the manufacturer to comply with this requirement shall render such manufacturer liable to the purchaser for damages as is now prescribed by law, and in addition thereto the manufacturer shall pay to the purchaser a penalty equal to one-fourth of the purchase price of such fertilizer."

1923, c. 182.

4880. Amended to read: "The North Carolina State Board of Agriculture shall have the use and control of the whole of the tract of land owned by the State, which land was purchased from W. A. Myatt and wife and conveyed by them to the State, May third, 1889, and contains seventy-eight acres, more or less, adjoining the city farm of the city of Raleigh. The Board of Agriculture shall use said land for the raising, feeding and caring of hogs, the manufacture of hog cholera serum, and for conducting experiments in hog production and other livestock, or crop work, as it may find desirable. The hog cholera serum so manufactured is to be distributed by the State Veterinarian at cost to the people of the State applying for the same. To this end the said Board of Agriculture is authorized to erect and equip all such buildings and appliances as may be necessary for the purpose for which it is to use said land."

1923, c. 224.

CHAPTER LXXXVII

AUCTIONEERS

5000. Amended to read as follows: 5000. *Appointment; Bond.* No person shall exercise or conduct the trade or business of an auctioneer in this State or offer to conduct any such trade or business described in this chapter unless such person shall hold a license issued by the Insurance Commissioner, and no license shall issue to any person who is not a resident of the State of North Carolina, and has not been a *bona fide* resident for at least two years prior to the date when such application for license is filed with the Insurance Department. The license shall issue only upon the filing of a bond in the sum of five thousand dollars (\$5,000.00), with such conditions and sureties as may be required and approved by the Insurance Commissioner. The license shall expire on the first day of April following, unless the authority is sooner revoked by the Insurance Commissioner, and such authority shall be subject to revocation at any time by such officer for cause appearing to him sufficient. The fees for each license shall be two hundred dollars (\$200.00): *Provided*, that the provisions of this act shall not apply to any auctioneers or sales at public auction other than auction sales of jewelry and silverware, and auctioneers conducting or engaged in such sale.

No person who shall conduct the business of an auctioneer in the State shall fail to comply with any provision of the law or any requirement of the Insurance Commissioner pursuant to the law, and no such person shall make or cause to be made any false state-

ment in any report required of him, and upon any violation of any section of this act, or of any provision of chapter eighty-seven of the Consolidated Statutes, the Insurance Commissioner may revoke his license to do business in this State.

Any person violating any of the provisions of this act, or any provisions of chapter eighty-seven of the Consolidated Statutes, shall be punished by a fine not exceeding two hundred dollars or by imprisonment in jail or worked on the roads for not exceeding two years, or by both such fine and imprisonment.

Nothing in this act shall be construed to take away from the counties, cities or towns of this State any right or rights which they may now have, or may hereafter have, to levy a license tax on persons exercising or conducting the trade or business of an auctioneer.

1923, c. 243.

CHAPTER XC

CHILD WELFARE

5062. Line 3, strike out first "ten" and insert "twenty."
1923, c. 193.

CHAPTER XCI

COMMERCE AND BUSINESS IN STATE

5106. Add at end "And it shall be unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee, within the State of North Carolina any pistol, so-called pump gun, bowie knife, dirk, dagger or metallic knucks without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same, the permit from the clerk of the Superior Court as provided in section five thousand, one hundred and seven of the Consolidated Statutes.

"Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than six months, or both, in the discretion of the court."

1923, c. 106.

CHAPTER XCIV

DRAINAGE

5314. Chapter 76 Public Laws 1921 repealed. Proceedings begun under law may be concluded and not affected by repealing act.

At end strike out period, insert colon and add: "*Provided*, that whenever in the establishment, construction, improvement, or maintenance of any public highway it shall be necessary to drain the said highway, and to accomplish such purpose it appears necessary to excavate a canal or canals for carrying the surplus water to some appropriate outlet across the lands of others located in the same or adjoining counties, then and in such event the State Highway Commission or the county highway commission, or such agency in the county as may have jurisdiction over public highways, may file such petition as the sole petitioner in the office of the clerk of the Superior Court against all the landowners whose lands may be crossed or affected by such drainage canal or canals. The said petition shall further set forth the facts making necessary the drainage of said highway. Subject to the modification in this proviso, the proceeding for the establishment of such drainage district shall conform in all respects to existing law."

P. L., 1923, c. 88.

5329. Add at end: "In any district lands may be included which are not benefited for the agriculture or crop production, or slightly so, but which will receive benefit by improvement in health conditions, and as to such lands the engineer and viewers may assess each tract of land without regard to the ratio and at such a sum per acre as will fairly represent the benefit of such lands. That villages or towns or parts thereof and small parcels of land located outside thereof and used primarily for residence or other specific purposes, and which require drainage, may also be included in any drainage district which by reason of their improved conditions and the limited area in each parcel under individual ownership, it is impracticable to fairly assess the benefits to each separate parcel of land by the ratio herein provided, and as to such parcels of land the engineer and viewers may assess each parcel of land without regard to the ratio and at a higher rate per acre respectively by reason of the greater benefits. If the streets or other property owned by an incorporated town or village are likewise benefitted by such drainage works the corporation may be assessed in proportion to such benefits, which assessment shall constitute a liability against the corporation and may be enforced as provided by law."

1923, c. 217, sec. 1.

5333. Add at end: "In any appeal to the Superior Court in term time or in chambers taken under this section or any other section or provision of the drainage laws of the State, general or local, the same shall have precedence in consideration and trial by the court. If other issues also have precedence in the Superior Court under existing law, the order in which all the same shall be heard, shall be determined by the court in the exercise of a sound discretion."

1923, c. 217, sec. 2.

5340. Repealed and new section enacted as follows: "The board of drainage commissioners shall appoint a competent drainage engineer of good repute as superintendent of construction, by and with the approval and recommendation of the State Geologist. That such superintendent of construction shall furnish a copy of his monthly and final estimates to the State Geologist, in addition to other copies herein provided, which shall be filed and preserved. In the event of the death, resignation, or removal of the superintendent of construction, his successor shall be appointed in the same manner."

1923, c. 217, sec. 3.

5349. Drainage Law amended: The board of drainage commissioners for any drainage district heretofore or that may hereafter be formed shall have the right to issue and sell bonds for the maintenance or improvement of their district if, in the opinion of said board of drainage commissioners that it would be an unreasonable burden on any of the landowners of said district to levy an assessment as heretofore provided in section twenty-nine, chapter four hundred and forty-two, Public Laws of one thousand nine hundred and nine, and amendments thereto, sufficient to do the necessary maintenance and improvements: *Provided*, that the board of drainage commissioners shall first petition to the clerk of Superior Court of the county in which their drainage district was formed, setting forth the facts that the canals in their districts are not sufficient to afford proper drainage, and that, in the opinion of the board, the said canals need to be recleared, widened, deepened, or lengthened, or that additional canals should be cut in certain places, and that the said work will cost more than an average of one dollar (\$1.00) per acre for all of the lands in the district, and to raise such an amount by levying one assessment would be an unreasonable burden on a part of the landowners of their district, and they ask the court to allow them to issue and sell bonds for a sufficient amount to do the work which is needed to be done.

Immediately after the presentment of such a petition, the clerk shall appoint a board of viewers (of the same qualifications as is required when a drainage district is first formed) to view the said district over, and report to him (not later than twenty days from date appointed) whether or not any or all of the work asked for in the petition should be done, and whether or not the cost of the work which should be done, would be an unreasonable burden on any of the land owners if collected by one assessment, or would it be better to allow a bond issue to cover the work.

If the board of viewers do not favor the bond issue it will be the duty of the clerk to not allow same, but the petition may be presented again any time after six months. If the board of viewers report that a bond issue is preferable, the clerk shall order the board of viewers to make a profile, the same as is required when a district is first formed, and if it is the opinion of the board of drainage commissioners that, on account of subdivision, a new map of the district should accompany at profile, then the clerk shall order the board of viewers to make a new map of the district, showing the present landowners, and to reclassify all land which has been subdivided since the original map was made, which has therefore been reclassified. Said map and profile shall show the total acres in each class for each tract, whether it has been subdivided or not, to be the same as was shown on the original map before the lands were subdivided. It shall also be the duty of the board of viewers to change any line between two or more landowners which can be proven to their satisfaction was not correctly shown on the original map, but the total acres of each class for the two or more tracts combined must be the same as when shown by the original classification. Said map and profile shall be filed with the clerk, together with an estimated cost of the work to be done; they shall be filed with the clerk in the same time and same manner as is required when a district is first formed.

Any one owning land which has been reclassified by the board of viewers who is dissatisfied with their classification shall have the same redress as has heretofore been provided where divisions of classification have been made by a petition to the clerk or otherwise.

If in the opinion of the board of drainage commissioners it would help the sale of the maintenance or improvement bonds, or they would deem it necessary under the provision of section fourteen, chapter one hundred and fifty-two, Public Laws of one thousand nine hundred and seventeen, they may, with the approval of the clerk of the Superior Court, add to the amount estimated by the board of viewers a sufficient amount to pay off all outstanding obligations of the district, leaving this their only bond issue.

The compensation of the board of viewers and their assistants, together with all other expenses in connection with this bond issue, shall be paid in the same manner, the duties and power of the clerk, and the duties and power of the board of drainage commissioners, the bonds shall be advertised and sold, divided into such annual installments, bear such a rate of interest, the landowners shall be given the same notices and the same rights to pay cash, the contract shall be let and supervised, and contractor paid the same, as if this was the original bond issue.

1923, c. 217.

5351. In line 7, after word "construction" insert: "Not exceeding ten per centum of the estimated actual cost of constructing the drainage works or the contract price thereof if such contract has not been awarded, and"

1923, c. 217, sec. 4.

5354. In lines 4, 5 and 6 strike out: "Plus an amount sufficient to pay interest on the bond issue for three years next following the date of issue." Strike out last clause of section beginning with "if the first annual installment," and ending with "otherwise provided."

1923, c. 217, sec. 5.

5355. In line 4 of paragraph two, strike out "five" and insert "ten." In line 7 of paragraph two strike out "five" and insert "ten." In line 9 of paragraph two strike out "ten" and insert "fifteen." In line 10 of paragraph two strike out "ten" and insert "fifteen." Paragraph two amended to read as follows:

"For the purpose of meeting any possible deficit in the collection of annual drainage assessments or any deficit arising out of unforeseen contingencies there shall be levied, assessed and collected during each year when either the interest or principal or both interest and principal on the outstanding bonds shall be due, an assessment as will yield ten per cent more than the total of interest and principal due in such year; that is to say, for every one hundred dollars of principal and interest or either, due in any one year, there shall be levied, assessed and collected a sufficient drainage assessment to yield one hundred and ten dollars for such year. When this excess of drainage tax so levied, assessed and collected shall accumulate so that the aggregate surplus in the hands of the treasurer of the district shall amount to more than fifteen per cent of the total principal of the bonds of the district outstanding and unpaid, then such surplus above fifteen per cent thereof may be available for expenditure by the board of drainage commissioners in the maintenance and upkeep of the drainage work in such district in the manner provided by law; after all the drainage assessments have been collected except the last assessment, if the surplus which has accumulated amounts to more than five per cent of the total issue of bonds of the district, then and in such event the board of drainage commissioners may in their discretion apply such excess above five per cent toward the reduction of the total amount embraced in the last assessment, reducing the same pro rata as to each tract of land embraced in the district, and having regard for the classification, to the end that such reduction shall be fairly and justly made. As to such surplus as shall accumulate in the hands of the treasurer of the district over and above all obligations of the district which may be due, the treasurer is hereby directed to deposit same in some solvent bank or banks at the highest rate of interest obtainable therefor, and the said treasurer shall be authorized, if he deems it necessary, to demand satisfactory security for such deposits; but the said treasurer shall reserve the right to demand a repayment at any time upon giving not exceeding thirty days notice thereof. Whereas the proceeds of the first drainage assessment may not be collected and in the hands of the treasurer of the district prior to the maturity of the first and second semiannual installments of interest upon the issue of bonds, the treasurer of the district is hereby directed to pay the interest coupons first maturing and also the interest coupons next maturing, if necessary, out of the funds in his hands for the purpose of maintaining the improvement for the period of three years after the completion of the work of construction. As a surplus fund with the treasurer arising out of the annual additional assessment of ten per centum shall accumulate in any one year in excess of fifteen per centum of the total principal of the bonds of the district outstanding and unpaid, as herein provided, the treasurer shall transfer in each of such years such surplus fund to the fund for maintaining the improvement after completion, as a reimbursement of the fund formerly withdrawn therefrom for the payment of the first and second installments of interest coupons until such reimbursement shall be fully made. The treasurer shall thereafter keep separate accounts of the proceeds of such additional ten per cent assessment remaining each year after the payment of all maturing obligations, and also a separate account of the funds provided for maintaining the improvement for the period of three years after completion of improvement and all payments therefrom and reimbursements thereto."

1923, c. 217, sec. 6.

5356. In lines 3 and 4 strike out "and to the payment of the interest on the bonds for three years next following the date of issue."

1923, c. 217, sec. 7.

5360. Strike out said section down to the word "year" in line 14 and insert the following:

"The board of drainage commissioners shall immediately prepare the assessment rolls or drainage tax lists, giving thereon the names of the owners of land in the district and a brief description of the several tracts of land assessed and the amount of assessment against each tract of land. The first of these assessment rolls shall be due and payable on the first Monday in September following the date of such bonds, and shall provide funds sufficient for the payment of interest on such bonds for one year. The second assessment roll shall make like provision for the payment of the interest for one year. Annual assessment rolls shall thereafter provide funds sufficient to meet the interest for one year on the issue of bonds outstanding. During the year previous to maturity of any annual installment due upon the principal of said bonds there shall be an assessment roll sufficient to provide funds for the payment of both the interest for one year and for the payment of the annual installment due upon the principal of the bonds. Such annual assessments shall be made from year to year to provide funds to meet the interest for one year and the annual installment of the principal due upon the bonds outstanding, until the whole principal due upon the outstanding bonds and the interest thereon shall be fully paid. In making up such assessment rolls there shall be included ten per cent additional as provided in section five thousand three hundred and fifty-five as amended herein." The remainder of section five thousand three hundred and sixty, beginning with the words "Each of the assessment rolls" in line fourteen, shall continue in full force and effect.

All the provisions of this act shall apply to all drainage districts which shall hereafter be organized, and also to all districts where proceedings for the organization thereof have been instituted and are now pending and where the bonds have not been actually issued, sold, and delivered to the purchaser thereof. If it shall be necessary to amend or reform any of the pleadings or orders made by the court or any action taken by the board of drainage commissioners in any drainage proceedings instituted and pending before the

ratification of this act, full authority is hereby granted to make any such amendments, to the end that the said drainage proceedings shall conform with the provisions hereof.

This act shall not apply to the county of Hyde.

1923, c. 217, sec. 8.

5361. Add at end: "The time of the sheriff of Hyde County to sell lands in Mattamuskeet Drainage District, Hyde County, for delinquent drainage district assessments, is hereby extended from the first Monday in February of each year, as provided by section five thousand three hundred and sixty-one of the Consolidated Statutes, to the first Monday in May of each year, and if for any necessary cause the sale cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the lands may be readvertised and sold on the first Monday in May succeeding.

"Where lands are sold by the sheriff or tax collector of Hyde County for nonpayment of drainage taxes, he shall only be allowed to charge one fee against any one person whose lands are so sold, regardless of the number of tracts belonging to such person."

P. L., 1923, c. 13.

5361. Add at end: "If the sheriff or tax collector fail to make sale of any lands on the first Monday in February or March in any year because of the lack of bidders or for any other reason, he may sell same upon the first Monday of any subsequent month in the same year or any succeeding year, after giving notice as required by law. No bid at any sale shall be received unless sufficient in amount to discharge all the drainage assessments and other charges due by the delinquent lands or owner thereof, together with all costs and expenses of sale. If no sufficient bid be received, the board of drainage commissioners of the district shall be deemed the purchaser in its corporate capacity at a sum sufficient to pay all assessments which are due and costs as above stated, and shall be entitled to receive a certificate of purchase and deed in the manner provided by law for purchasers at tax sales. The board of drainage commissioners shall only be required to pay to the sheriff the costs and expenses of sale before receiving a certificate of purchase. The board of drainage commissioners of the district in their corporate capacity shall be in like position and have the same rights and be subject to the same duties as the purchaser of lands at any tax sale under the general law. The owner of said lands so sold or any person having an estate therein, or having a lien thereon, may redeem the same in the manner provided by sections eight thousand and thirty-eight (8038) and eight thousand and thirty-nine (8039), Consolidated Statutes, or any amendments thereof; and if the board of drainage commissioners shall have been the purchaser of said lands the amount paid in redemption shall include the sum bid therefor plus the penalty. The board of drainage commissioners shall pay to the sheriff or tax collector the amount representing their bid at the sale of said lands before they shall be entitled to receive a deed therefor, which the sheriff shall pay to the treasurer of the drainage district in the same manner as other funds received by him. The board of drainage commissioners, after acquiring a deed for said lands, may hold the same as an asset of the district, and shall be liable for the payment of all drainage assessments and State and county taxes accruing after the sale at which the district was a bidder, and in all respects be deemed the owner of said lands and subject to the same privileges and liabilities as any other landowner, including the right to convey the said lands for a consideration and pay the proceeds of said sale to the treasurer of the district, which may be distributed by the drainage commissioners for the benefit of the district in the same manner as other district funds."

If any sheriff or tax collector failed for any reason to collect drainage assessments upon lands in any drainage districts due in one thousand nine hundred and seventeen, or any subsequent years, and further failed to make valid sales of the lands so delinquent in the payment of such assessments, then and in such event the existing sheriff or tax collector is hereby authorized and directed to proceed to collect such unpaid drainage assessments, with interest thereon from the dates when such assessments respectively became due, and in default of payment being made he is further authorized to make sales of such lands as may be in default at any time hereafter, at the times and in the manner authorized by law as amended herein; and the purchaser at said sales shall acquire title to such lands in the manner provided by law. If the sheriff or tax collector in office at the time such assessments were in default has since died or gone out of office, the powers herein given shall be exercised by the existing sheriff or tax collector.

Except as herein or otherwise modified or amended, the existing general tax law in force when sales of land are made for drainage assessments shall fully apply to the collection of drainage assessments and the sales of lands and in all other respects.

P. L. 1923, c. 88.

CHAPTER XCV

EDUCATION

5392. Strike out all of subsection 2 after the period in line 2.
1923, c. 198.

5403. In line 2, strike out "Caswell."
P. L. 1923, c. 264.

CHAPTER XCVII
ELECTION LAWS

5925. In line 2 strike out "not later than the first Monday in September in the year of our Lord, one thousand nine hundred and six" and insert "on the seventh Saturday before each primary election."

1923, c. 111, sec. 1.

5926. Add at the end: "The several county boards of elections shall have power to revise the registration books of any precinct and may require them to be purged of illegal or disqualified voters, after notice to such voters, if it shall be made to appear that the precinct registrar has registered disqualified persons."

1923, c. 196.

5929. In line 2 strike out "on or before the first Monday in September in the year of our Lord, one thousand nine hundred and six" and insert "on the seventh Saturday before each primary election."

1923, c. 111, sec. 2.

5947. Strike out the section and insert:

"Time when registration books shall be opened and closed. The registration books shall be opened for the registration of voters at nine o'clock a. m., on the fifth Saturday before each election. The said books shall be closed at sunset on the second Saturday before each election.

"Oath and duty of registrar. Every registrar, before entering upon the discharge of the duties of his office, shall take an oath before a justice of the peace or some other person authorized to administer oaths, that he will support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith, and that he will honestly and impartially discharge his duties as registrar, and honestly and fairly conduct such election. The registrar of each township, ward or precinct shall be furnished with a registration book prepared as hereinbefore provided, and it shall be his duty, between the hours of nine o'clock a. m. and sunset on each day during the period when registration books are open to keep open said books for the registration of any voters residing within such township, ward or precinct, and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct or ward, between the hours of nine o'clock a. m. and sunset, for the registration of voters."

1923, c. 111, sec. 3.

5948. In line 3, strike out "register of deeds" and insert "clerk of the Superior Court."

1923, c. 111, s. 4.

5962. Strike out section and insert the following:

Blank certificates and return envelopes for absent voters.

The State Board of Elections shall furnish to the county board of elections in each county, at the same time ballots are furnished for any general or primary election, certificates in blank and return envelopes, to be used by absent voters, the said certificates to be in form as follows:

CERTIFICATE A

To the Registrar and Judges of Election, P. O. Date Precinct:

I, do hereby certify that I am a duly qualified elector in Precinct, County, North Carolina, and I will enclose herewith ballot or ballots which I wish to vote in the election to be held , 19.....

I further certify on my honor that I am physically unable to attend the polls, or will be absent from the county in which I am entitled to vote, on the day of election.

Signed.....

Witness:

PHYSICIAN'S CERTIFICATE

I, , hereby certify that I am a regular practicing physician in the county of , and certify that is physically unable to attend regular polling place and vote in person on the above named day of election. (Signed)

I, , being duly sworn, say that I am physically unable to attend in person the regular polling place of my precinct, for the purpose of voting. (Signed)

Subscribed and sworn to before me, this day of , 19.....

CERTIFICATE B

..... State
..... Date
To the Registrar and Judges of Election, *Precinct:*
 I, do hereby certify that I am a duly qualified elector
 in Precinct, County, North
 Carolina, and I hereby cast my vote for each nominee of the
 Party, to be voted for at the election to be held on 19.....

I further certify on my honor that I am physically unable to attend the polls, or will
 be absent from the county in which I am entitled to vote, on the day of election.

(Signed).....

Witness:

PHYSICIAN'S CERTIFICATE

I, heretby certify that I am a regular practicing
 physician in the county of and certify that
 is physically unable to attend regular polling place and vote in person on the above named
 day of election.

(Signed).....

I,, being duly sworn, say that I am physically unable
 to attend in person the regular polling place of my precinct, for the purpose of voting.

(Signed).....

Subscribed and sworn to before me, this..... day of....., 19.....

Said certificate shall be signed by the voter, and when signed, witnessed and properly
 certified, shall be counted as a vote for each of said nominees, subject to the right
 of challenge.

The return envelopes to be printed in form as follows: Upper left hand corner, "Name
 Postoffice. To be opened between
 three o'clock p. m., and sunset on the day of election.

..... Registrar Precinct
 P. O. County, N. C."

1923, c. 111, s. 5.

5981. In line 6 insert after "ballot" the words: "said ballots shall be furnished and
 distributed by the State Board of Elections."

After the word "ballot" at end insert: "Said ballots shall be furnished and distributed
 by the county board of elections."

1923, c. 111, s. 6.

5988. Strike out section and insert:

"Abstract of votes for higher offices; preparation and disposition. An original abstract of
 all votes cast for State officers, representatives in Congress, for justices of the Supreme
 Court, for judges of the Superior Court, for solicitors and for United States Senators, shall
 be made and signed by the board of county canvassers. Said abstracts shall be filed by the
 board of county canvassers with the clerk of the Superior Court of the county, to be
 registered in his office. The board of county canvassers shall also prepare two abstracts of
 all votes cast for State Senators, when the senatorial district consists of more than one
 county, one of which shall be filed by it with the clerk of the Superior Court, to be
 registered in his office, and the other furnished by it to the county board of elections
 or other returning officer."

1923, c. 111, s. 7.

5989. Strike out section and insert:

"Abstract of votes for county and township officers; preparation and disposition. An
 original abstract of all the votes cast for county and township officers and the members
 of the General Assembly shall be made and signed by the board of county canvassers.
 Said abstract shall be filed with the clerk of the Superior Court of the county, to be
 registered in his office. The clerk of the Superior Court shall, within five days after such
 returns are filed in his office, certify under his official seal, to the Secretary of State, upon
 blanks furnished him for that purpose, a list of all the persons voted for as members
 of the Senate and House of Representatives and all county officers, together with the votes
 cast for each and their postoffice addresses."

1923, c. 111, s. 8.

5990. Strike out section and insert:

"Filing of original returns; duplicate abstracts of votes for higher officers. When
 the canvass is concluded the board of county canvassers shall deliver the original returns,
 together with the original abstracts of votes cast for higher officers, county and township

officers, hereinbefore mentioned, to the clerk of the Superior Court of the county, to be filed and registered in his office. The clerk of the Superior Court shall deliver by registered mail within five days after said original abstracts have been filed in his office, to the chairman of the State Board of Elections and the Speaker of the House of Representatives, in care of the Secretary of State, each one duplicate of the abstract of the votes cast for Governor and all State officers, for justices of the Supreme Court, for judges of the Superior Court, for solicitor, for representatives in Congress and for United States Senators. Said duplicates shall be under official signature and seal of the clerk of the Superior Court."

1923, c. 111, s. 9.

5991. Add at end: "Provided, that if one of the candidates for any office shall die within the period of five days next preceding the election and after the printing of the tickets to be voted in said election, and no successor to said candidate shall have been duly chosen, and new tickets printed and distributed to the various voting precincts, and no one of the surviving candidates shall receive a majority of the votes cast by those voting for other officers voted for in said election, no person shall be declared elected to such office, but the office so affected shall be declared to be vacant and shall be filled in the manner prescribed by law for the filling of vacancies in such offices."

1923, c. 111, s. 9a.

5994. In line 2, strike out "Secretary of State on the Thursday" and insert "State Board of Elections on the Tuesday."

1923, c. 111, s. 10.

5996. In line 3, strike out "Secretary of State" and insert "State Board of Elections."

1923, c. 111 s. 11.

6012. In line 2, strike out "Thursday" and insert "Tuesday."

1923, c. 111, s. 12.

6022. Strike out section and insert:

"*Notices and pledges of candidates; with whom filed.* Every candidate for selection as the nominee of any political party for the officers of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, and other State officers not herein mentioned, the justices of the Supreme Court, the judges of the Superior Court, United States Senators, members of Congress, solicitors, and State senators from districts composed of more than one county where there is no agreement as provided for in section six thousand and fourteen, to be voted for in any primary election, shall file with the State Board of Elections, at least six weeks before such primary is to be held, a notice stating his party affiliation, the office for which he is a candidate, and a pledge to abide by the result of and to support the party candidate nominated in the primary by the political party with which he affiliates.

"Every candidate for selection as the nominee of any political party for the office of State senator from a district composed of one county only, or from a district composed of more than one county where there is an agreement as provided for in section six thousand and fourteen, member of the House of Representatives, and the county officers hereinafter referred to, shall file with the appropriate county board of elections, at least two weeks before such primary election is to be held, a like notice and pledge."

1923, c. 111, s. 13.

6031. In line 4, strike out "Legislative Primary Box" and insert "Legislative and County Primary Box." In line 9, after the word "Assembly" add "and county officers."

1923, c. 111, s. 14.

6041. In line 10 strike out "four" and insert "two."

1923, c. 111, s. 15.

6049. Renumbered to be 5980a.

1923, c. 111, s. 17.

6050. Renumbered to be 5980b.

1923, c. 111, s. 18.

6053. Add the following: "Provided further, that after the time for filing notice of candidacy has expired and the candidate who has been declared the nominee for any office shall die before the date of the primary, the vacancy thus created may be filled by nomination in like manner as above provided, and the name of the person so nominated shall be placed on the official ballot: Provided further, that if, after the time for filing notice of candidacy has expired, any person who has filed notice of his candidacy in accordance with law, die, and there be only one other person who has filed notice of his candidacy for such office, the board of elections shall reopen the time for filing notice of candidacy, and fix a date upon which the primary election for such office shall be held."

1923, c. 111, s. 16.

6054. In line 5, strike out "Alleghany."

1923, c. 21.

In line 8, strike out "Transylvania."

1923, c. 21.

In line 5, strike out "Caldwell."

1923, c. 30.

In line 7, strike out "Johnston."
1923, c. 44.

In line 6, strike out "Halifax."
1923, c. 50.

In line 8, strike out "Folk."
1923, c. 88.

Strike out "Avery" from list of exempted counties.
1923, c. 137.

CHAPTER XCVIII
FIREMAN'S RELIEF FUND

6069. Add subsection: "4. Or to provide for any fireman or person dependent on any fireman from becoming a subject of charity due to other sickness or accident or condition not specified in this act; and to provide that the local board of trustees of the said fund may pay any fireman's assessment in the Firemen's Fraternal Insurance Fund of the State of North Carolina as the said board of trustees finds as a fact that said fireman is unable to pay the said assessment by reason of disability."

1923, c. 22.

CHAPTER XCIX
FIRE PROTECTION

6081. Repealed and the following enacted: "All hotels, lodging houses, school dormitories, hospitals, sanatoriums, apartment houses, flats, tenement houses and all buildings other than private dwellings not over three stories in height, in which rooms are to be rented or leased or let or offered for rent, let or leased for living or sleeping purposes, hereafter constructed in this State shall be constructed so that the occupants of all rooms above the first floor shall have unobstructed access to two separate and distinct ways of egress extending from the uppermost floor to the ground, such ways of egress to be so arranged in reference to rooms that in case of fire on one stairway the other stairway can be reached by the occupant without his or her having to pass the stairway involved. Entrance to all such ways of egress aforementioned in this section shall be from corridors or hallways of not less than three feet in width, and in no case shall entrance to such ways of egress be through a room or closet, and where such building is in the opinion of the Insurance Commissioner of sufficient size to require more than two ways of egress the 'National Fire Protection Association' Standard governing corridors and stair areas shall be adhered to.

"Every hotel, lodging house, school dormitory, hospital, sanatorium, apartment house, flat, tenement or other building, other than a private dwelling not over three stories in height, in which rooms are rented, leased, let or offered for rent, lease or let, shall forthwith, at the owner's expense, be provided with additional ways of egress as the Insurance Commissioner shall deem practicable in order that the object of this law may be accomplished and that existing dangers not be perpetuated."

1923, c. 149, sec. 4.

6083. In line 3, strike out "twenty" and insert "ten."

Add at end: "And it is further provided that, in order to safeguard the public from the dangers of fire and contingencies arising and resulting therefrom in places of this kind, and the owner or owners from unnecessary confusion and expense, plans for all such theaters, opera houses, moving picture shows, and other like places of amusement to be hereafter erected shall be submitted to and approved, as to the safety of the building from fire and the occupants in case of fire, by the Insurance Commissioner before work is begun on the building. This requirement to apply also where any building now standing or part thereof is to be changed to use as a theater, opera house, moving picture show or other like place of amusement."

1923, c. 149, sec. 1.

6084. In line 2 strike out "thirty" and insert "ten." Strike out line 12 beginning with "No" down to and including "and" in line 15.

Line 15, etc., reads: "Each story of all factories, manufacturing establishments or workshops of three or more stories in height shall be amply supplied with means for extinguishing fires."

1923, c. 149, sec. 2.

6085. In line 4 after the word "employed" add: "allowed or accustomed to assemble or accommodated."

1923, c. 149, sec. 3.

CHAPTER CI

GEOLOGICAL SURVEY AND FORESTS

6117. Add at the end: "The term of office of the State Geologist of the State of North Carolina shall expire with that of the Governor, and his successor thereafter be appointed by the incoming Governor by and with the advice and consent of the Senate, and shall hold office for four years, and until his successor shall be appointed in like manner and shall qualify."

1923, c. 214.

CHAPTER CIII
HOSPITALS FOR THE INSANE

6193. Add at end: "If the clerk (or justice under section six thousand one hundred and ninety-five) is satisfied, after the examination herein provided, that the person is insane or an inebriate within the definition of chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one, he shall make the following order and commitment to the proper State hospital in substantially the following form:

STATE OF NORTH CAROLINA,.....COUNTY.
State of North Carolina,
To the State Hospital at....., N. C.—Greeting:

Whereas it has been made satisfactorily to appear to me,.....
Clerk of the Superior Court of said county after a proper examination of.....
....., a person having his legal settlement in this county, that he is insane, epileptic or addicted to the use of drugs or alcohol (draw a pen through terms not applying,) that he is a bona fide citizen of the State, and that he has a legal settlement in said county and is a fit subject for care and treatment in the State Hospital at.....and that he, being at large, is injurious to himself and disadvantageous if not dangerous to the community.

These are, therefore, to command you to receive said.....into the State Hospital at..... for care and treatment as provided for by the laws of this State.

Given under my hand and official seal, this.....day of....., 19.....

Clerk Superior Court.....County.

If the proceedings are to be before a justice of the peace under section six thousand one hundred and ninety-five of the Consolidated Statutes, the following certificate shall be appended to the commitment by said justice of the peace:

I have examined the testimony as herein set forth, and am satisfied that.....
.....is a fit subject for treatment in the State Hospital, and I hereby approve the foregoing commitment to the State Hospital at..... N. C.

Given under my hand and official seal, this.....day of....., 19.....

Clerk Superior Court.

If the patient is a pauper, the following shall be filled out and accompany the commitment:

STATE OF NORTH CAROLINA,.....COUNTY.

I,....., Clerk of the Superior Court of the above county, do hereby certify that.....is a poor person and has no estate or property except.....

.....nor has any one such property who is liable for his maintenance under chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one.

Given under my hand and official seal, this.....day of....., 19.....

Clerk Superior Court.

If the patient is not a pauper, the following should be filled out and accompany the commitment of the patient:

STATE OF NORTH CAROLINA,.....COUNTY.

I,....., Clerk of the Superior Court of said county, do hereby certify that.....has property of his own and is financially able to pay for his maintenance, or has relatives who under chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one are liable for his maintenance, who have adequate property to pay for the same in the State Hospital at..... N. C.

Given under my hand and official seal, this.....day of....., 19.....

Clerk Superior Court.

The application for admission and commitment to a particular hospital shall be forwarded to such hospital, and immediately upon receipt of said application, if there shall be room for said patient in said hospital, the superintendent shall immediately notify the clerk of the court that the patient will be admitted at once. The receipt of said notice by said clerk of the court shall constitute his authority to convey said patient to said hospital for immediate admission: *Provided, however,* nothing herein shall prevent the superintendent of said hospital from sending immediately a representative of said hospital to convey said patient thereto.

1923, c. 144.

6196. Strike out questions and insert following:

1. What is patient's name? A.....
2. When was patient born? A..... Present age.....
3. Where was patient born? A.....
4. Is or married, single or divorced? A.....
5. If married woman, give maiden name. A.....
6. Name and birthplace of father. A.....
7. Maiden name and birthplace of mother. A.....
8. Occupation of patient for past five years. A.....
9. Present occupation? A.....
If no occupation, how supported? A.....
10. Education: Collegiate, common school, grammar, elementary, none. A..... Professional or technical.....
11. Were mother and father related? A.....
12. Was either parent or grandparent or any children of patient or other blood relation ever insane, epileptic, feeble-minded, inebriate, paralytic, physically deformed, tubercular, diabetic, etc? Specify. A.....
13. If any of them were ever in any institution, state where and when. A.....
14. Was patient ever charged or convicted of any crime? If so, what and when? A.....
15. Is patient now charged with crime? If so what? A.....
16. Is patient now in jail? If so, how long? A.....
17. Is patient now in county home? If so, how long? A.....
18. When was the change first observed in the patient's appearance and conduct indicating insanity? A.....
19. What were the principal mental changes and symptoms observed at that time? A.....
20. Did they develop rapidly or gradually? A.....
21. What symptoms are present at the present time? A.....
22. Has patient had previous attacks? If so, how many and was or treated in a hospital? If so, when and where? A.....
23. What did the patient say or do in your presence indicating insanity? A.....
24. Has patient delusions or hallucinations? A.....
25. Is patient destructive? If so, what has or destroyed? A.....
26. Has patient ever attempted suicide? A.....
27. Has patient ever threatened suicide? A.....
28. Has patient ever attempted homicide? A.....
29. Has patient ever threatened homicide? A.....
30. Has patient injured or attempted to injure h..... self or others? If so, whom, when and in what manner? A.....
31. State any other facts relative to behavior of patient indicating insanity. A.....
32. Is patient feeble-minded? A.....
33. Is patient an idiot? A.....
34. What is the present salary of the patient? A..... or for support? A.....
35. How many dependent on A.....
36. What is the value of or property? A.....
37. What is or annual income? A.....
38. If a minor, state occupation of patient's father. A.....
39. What is father's salary? A.....
40. What is the value of his property? A.....

41. What is his annual income? A.....

42. The following questions should be answered if patient is a drug addict, or inebriate:
 (1) Is patient addicted to the use of alcohol, morphine, cocaine, heroin or any other drugs? If so, what drug? A.....
 (2) In what manner (hypodermically or mouth), and how much does patient take? A.....
 (3) How long has patient been an addict? A.....
 (4) Has patient ever been treated for inebriety? If so, where and when? A.....

43. The following questions should be answered if patient is an epileptic:
 (1) At what age did epilepsy first appear? A.....
 (2) How long since first attack? A.....
 (3) Do seizures occur day or night, or both times? A.....
 (4) How often do attacks occur? A.....
 (5) Are attacks accompanied by frothing at the mouth..... involuntary passage of urine..... of feces..... or biting of tongue? A.....
 (6) Has patient been burned or otherwise injured during seizures? A.....
 (7) Are seizures grand or petit mal, or both? A.....
 (8) What mental changes have taken place in patient? A.....
 (9) Is the patient incapable of protecting..... self against ordinary dangers without an attendant? A.....

44. Give the name of nearest relative or friend with whom superintendent can correspond relative to condition of patient. A..... Relationship and address.....

45. How could the above party be communicated with quickest in case of emergency? A.....

46. In case the hospital can accept patient, at what point could patient be delivered to representative of hospital? A.....
 1923, c. 144.

6230-6235. Repealed.
 1923, c. 165, sec. 1.

6236. In line 7, strike out "to the hospital for the dangerous insane," and substitute: "To the State Hospital at Raleigh," if alleged criminal is white, or "to the State Hospital at Goldsboro" if the alleged criminal is colored, if alleged criminal is an Indian from Robeson County, "to the State Hospital at Raleigh, as now provided for insane Indians from Robeson County."

1923, c. 165, sec. 2.

In line 10 strike out "like patients in other State Hospitals." Proviso repealed.
 1923, c. 165, sec. 3.

6237. In lines 17 and 18 strike out: "For the dangerous insane to which such person is or has been committed" and insert: "Designated in section 2 of this act." (C. S. 6236 above.)

1923, c. 165, sec. 4.

In line 22 strike out "for dangerous insane" and insert: "Designated in section 2 of this act."

1923, c. 165, sec. 4.

6238. In line 4, strike out "herein provided for" and insert "designated in section 2 of this act."

1923, c. 165, sec. 5.

6239. In line 3, strike out "for the dangerous insane" and insert: "Designated in section 2 of this act."

In line 6, strike out "to said department" and insert: "To the hospital designated in section 2 of this act."

In line 12 strike out "for the dangerous insane" and insert: "Designated in section 2 of this act."

1923, c. 165, sec. 6.

6240. In line 8, strike out "the" between "in" and "hospital" and insert "said." In line 8, strike out "for the dangerous insane." In line 14 strike out "for the dangerous insane."

1923, c. 165, sec. 7.

6241. In lines 9 and 10 strike out "for the dangerous insane or to one of the other State hospitals for the insane and insert: "Designated in section 2 of this act."

Strike out last three words and insert "chapter one hundred and three of the Consolidated Statutes."

1923, c. 165, sec. 8.

6242. Amended to read as follows: "It shall be the duty of the duly constituted authorities for the State hospitals designated in this act for the insane to receive all such insane persons as shall be committed to said institutions in accordance with the provisions of this act, and to treat and care properly for the same until discharged in accordance with the provisions of the law."

1923, c. 165, sec. 9.

6243. Repealed.

1923, c. 165, sec. 10.

6243a. Add: "As soon as it may be, after the ratification of this act, all the dangerous insane now confined in the State Hospital for the dangerous insane at Raleigh shall be distributed to the hospitals designated in section two of this act.

"The patients now confined in the State hospital for the dangerous insane shall not, however, be transferred as herein provided from such hospital to the other hospitals until the superintendent of the State Hospital for the Insane at Raleigh and the superintendent of the State Hospital for the Insane at Goldsboro notifies the Superintendent of the State's Prison that they are ready to receive such patients.

"Until said State Hospitals for the Insane at Raleigh and Goldsboro are ready to receive the dangerous insane, as defined in article six of chapter one hundred and three of the Consolidated Statutes, said dangerous insane shall continue to be subject to the rules and regulations as now contained in said article six, and the various courts in the State in a proper case shall continue to use the machinery provided in article six above in dealing with said dangerous insane."

1923, c. 165, secs. 11 and 12.

CHAPTER CVI

INSURANCE

6334. Line 9, subsection 5, insert after the word "surplus" "without first having the approval of the Insurance Commissioner of North Carolina, which approval shall be endorsed upon the policy."

1923, c. 73.

6363. In line 5 after the word "bonds" insert "securities." In line 11 after the words "insurance department" insert: "The term 'security' or 'securities' shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, transferable certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas, or mining lease, collateral trust certificate, any transferable share, investment contract, or beneficial interest in or title to property or profits, or any other instrument commonly known as a security.

1923, c. 161.

6367. In line 8, strike out "one per centum of the amount actually paid upon separate subscriptions (or in lieu thereof may be inserted or one dollar (\$1.00) per share from every fully paid subscription)" and insert: "Twelve and one-half per centum of the amount actually paid upon separate subscriptions."

1923, c. 180.

6373. Add: "Every company licensed under this article shall file with the Insurance Commissioner on or before the last day of March, June, September and December of each year, a statement showing the sales of stock in this State for the three months preceding, giving the name of the salesman and the commissions allowed, and shall pay to the Insurance Commissioner, within thirty days thereafter, a tax of two per centum of the gross sales in this State: *Provided*, that of the funds so collected an amount equal to one-fifth of one per cent of the sales shall be allowed the Insurance Commissioner for the extra duties involved in the administration of the Blue-Sky Law. The remainder of such tax to be paid to the State Treasurer as other taxes collected by the Insurance Commissioner."

1923, c. 180.

6395. In line 3, strike out "nor more than two hundred and fifty thousand dollars."

1923, c. 71.

6450. In lines 5 and 6 strike out "not exceeding twenty thousand dollars annually" and insert: "as is necessary to insure said property to an amount equal to fifty per centum of the scheduled value of such property."

1923, c. 248.

6536. In line 11 between "to" and "sell" insert "mortgage or." In line 14 after "purchaser" insert: "Or to the mortgagee or trustee for the purposes in such conveyance or mortgage expressed."

1923, c. 257.

CHAPTER CX

MEDICINE; ALLIED OCCUPATIONS

6653. Amended to read as follows: "The board of pharmacy shall elect two officers, a president and a secretary-treasurer, who shall hold their offices until their successors shall have been elected and qualified. The president shall be elected from the membership of the board. The secretary-treasurer may or may not be a member of the board, as the board

shall determine. The secretary-treasurer shall give bond in such sum as may be prescribed by the board, conditioned for the faithful discharge of the duties of his office according to law, and said bond shall be made payable to the North Carolina Board of Pharmacy and approved by said board. The said board shall hold an annual meeting at such time and place as it may provide by rule for the examination of candidates and for the discharge of such other business as may legally come before it, and said board may hold such additional meetings as may be necessary for the examination of candidates and for the discharge of any other business."

1923, c. 82.

6656. In line 2 between "violated" and "the" insert: "Any member." In line 3 between "pharmacy" and "shall" insert: "or any one appointed by said Board of Pharmacy."

Add at end: "In all prosecutions for the violation of any of the provisions of this article (article three, chapter one hundred ten, Consolidated Statutes) a certificate under oath by the Secretary of the Board of Pharmacy shall be competent and admissible as evidence in any court of the State that the person so charged with the violation of this article is not a registered pharmacist or assistant pharmacist, as required by law."

Applies to all cases now pending in the courts of the State charging violations of article three, chapter one hundred and ten of the Consolidated Statutes.

1923, c. 74.

6687. Add at end: "And in such practices as above defined, the optometrist may prescribe, give directions or advice as to the fitness or adaptation of a pair of spectacles, eye-glasses or lenses for another person to wear for the correction or relief of any condition for which a pair of spectacles, eye-glasses or lenses are used, or to use or permit or allow the use of instruments, test-cards, test types, test lenses, spectacles or eye-glasses or anything containing lenses, or any device for the purpose of aiding any person to select any spectacles, eye-glasses or lenses to be used or worn by such last mentioned person or by any other person."

1923, c. 42, sec. 1.

6691. Line 4, subsection 3, strike out all after word "years." Line 1, subsection 4 strike out "ten" insert "twenty." In line 4, subsection 4, after "certificate" add: "Provided, the applicant may stand any subsequent examination without paying another fee," and by striking out after the word "certificate" in line four of said subsection four the following words: "Any candidate presenting himself for examination and failing to successfully pass the board shall have returned to him the ten dollars fee required in this section."

Add at end: "Provided, that any person holding a certificate by examination to practice optometry in another state where the qualifications prescribed are equal to the qualifications required in this State may be licensed without examination on the same conditions and on the payment of the same fees as are required of other applicants."

1923, c. 42, sec. 3.

6695. In line 3 strike out "five" and insert "ten." In line 4, strike out "three" and insert "five."

1923, c. 42, sec. 4.

6696. In line 3 strike out "two" and insert "three."

1923, c. 42, sec. 5.

Add at end: "Provided, however, that all citizens of this State who have begun the study of optometry before the passage of this act shall be exempt from the operation of this act until the regular June meeting of the State Board of Examiners in Optometry to be held in one thousand nine hundred and twenty-four."

"All laws and clauses of laws in conflict with this act are hereby repealed: Provided, nothing in this act shall repeal any of the provisions of section six thousand six hundred and ninety-nine of the Consolidated Statutes."

1923, c. 42, secs. 6 and 7.

6786. In line 11, after "soldier" insert: "Or soldier, sailor, or member of the Marine Corps of the World War who was honorably discharged from service, or the wife of such sailor or soldier."

1923, c. 110.

CHAPTER CXI

MILITIA

6889. In line 13, strike out "two hundred dollars" and insert: "Not exceeding two hundred dollars, to be determined by the Adjutant General of the State under rules and regulations prescribed by him."

In line 16, strike out "fifty dollars" and insert: "the sum of not exceeding one hundred dollars, to be determined by the Adjutant General of the State according to rules and regulations prescribed by him."

In line 30, strike out "fifty dollars" and insert "one hundred dollars."

At end of line 32 add: "Each enlisted man belonging to an organization of the National Guard shall receive fifty cents as compensation for each armory drill, not exceeding sixty drills per annum, ordered for his organization, where he is officially present and in which he participates, the said compensation to be paid in the same manner and under such laws and regulations as now or hereafter may be prescribed by the United States Government or by the War Department thereof for pay for National Guard enlisted men; and *Provided, further*, that the appropriation made by the State of North Carolina for the support of the National Guard is sufficient, after the payment of other necessary expenses of maintaining said guard, to make such payment."

"The amendments of section six thousand eight hundred and eighty-nine as made by this act, shall not affect the amendment made by chapter one hundred and twenty of the Public Laws of one thousand nine hundred and twenty-one, but are in addition thereto."

1923, c. 24.

CHAPTER CXIII

MONUMENTS, MEMORIALS AND PARKS

6938. In line 5, between "war" and "and" insert "Civil War."

1923, c. 200.

CHAPTER CXVIII

PUBLIC HEALTH

7117. Add at end: "Nothing contained in these statutes or the rules of said board shall prevent fishing in Reedy Fork, Horsepen or Buffalo creeks in Guilford County if the municipality, corporation or persons taking any water supply from such stream shall give permission therefor."

P. L. 1923, c. 312.

7169. Repealed.

1923, c. 224, sec. 1.

7173. Amended to read as follows: "The body politic and corporate existing under the name and style of the North Carolina Sanatorium for the Treatment of Tuberculosis shall be controlled and managed by a board of directors composed of nine members, to be appointed by the Governor and confirmed by the Senate. Said board of directors shall be divided into three classes of three directors each; the first class to serve for a period of four years from the first day of March, one thousand nine hundred and twenty-three, the second class for a period of four years from said date, the third class for a period of six years from said date. Any director appointed under this act may be removed by the Governor for cause. In case of the death, resignation or removal from the State of any director during the term of his office, his successor shall be appointed by the Governor for the unexpired term. At the expiration of the various terms of such directors, their successors shall be appointed by the Governor for a term of six years, each, such appointments to be confirmed by the Senate."

1923, c. 96.

CHAPTER CXIX

PUBLIC HOSPITALS

7255. In line 7, between "therein" and "and" insert: "Or to be thereafter selected by the governing body of such county, township or town."

1923, c. 244, sec. 1.

In line 3, subsection 3, strike out "twenty" and insert "thirty."

1923, c. 244, sec. 2.

7264. In lines 3 and 10 strike out "twenty" and insert: "Not exceeding thirty."

1923, c. 244, sec. 3.

Add at the end: "The governing body shall have the power and option of issuing, instead of long-term bonds, as above provided for, serial bonds in such forms and denominations as said governing body may determine, subject to the restrictions of this act. Said serial bonds may be issued as one issue or divided into two or more separate issues, and in either case may be issued all at one time or in blocks from time to time, and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No installments shall be made more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. Said bonds, if said governing body shall elect to issue serial bonds instead of long-term bonds, may be either coupon bonds or registered bonds, and if issued in coupon form may be registerable as to principal, or as to both principal and interest, and shall be substantially in the form provided for county bonds as aforesaid, and likewise subject to changes that will conform them to the provisions of this article."

1923, c. 244, sec. 4.

CHAPTER CXX

PUBLIC PRINTING

7297. Add at end: "Advance sheets of the Supreme Court reports are hereby authorized to be printed, and to be sold, under the rules of the Supreme Court."

1923, c. 25.

CHAPTER CXXIX

STATE OFFICERS

7653. In lines 2 and 3, strike out "twenty thousand" and insert "one hundred thousand."

1923, c. 91.

7671. Amended to read:

"7671. *Reprint of Supreme Court Reports.* The Secretary of State is authorized and directed to have such of the reports of the Supreme Court of the State of North Carolina as he has not on hand for sale republished and numbered consecutively, retaining the present numbers and names of the reporters, and, by means of star pages in the margin, retaining the original numbering of the pages. The Secretary of State is authorized and directed to have such reports reprinted, without any alterations whatsoever from the original edition thereof, except that the briefs of counsel contained in the older reports shall be omitted in the reprints. The reprinting shall be done as other State printing is done. Such republication shall thus continue until the State shall have for sale all of such reports, and hereafter, when the editions of any number or volume of the Supreme Court Reports shall be exhausted, it shall be the duty of the Secretary of State to have the same reprinted under the provisions of this act: *Provided, however,* that in reprinting the reports that have already been annotated, the annotations and the additional indexes therein shall be retained; and *Provided, further,* that the consolidation of certain volumes as required by standing rule sixty-two of the Supreme Court shall be observed."

1928, c. 176.

CHAPTER CXXX

STATE PRISON

7704. Amended to read as follows:

"The board of directors shall require such of its officers, employees, or agents as they shall authorize to receive the moneys and earnings of said institutions to enter into good bonds, to be approved by the board, in such amounts as will fully secure their faithfully accounting for the same."

1923, c. 156.

7711. Amended to read: "All moneys belonging to the institutions under the control of the board of directors of the State's prison which shall come into the hands of any of its officers or employees shall be paid into the General Revenue Fund in the hands of the State Treasurer within ten days after the same is received, accompanied by a statement showing the source or sources from which the same was derived. The institutions under the control of the board of directors of the State's prison shall be maintained from legislative appropriations, and disbursements on account of these institutions shall be made by the State Treasurer, pursuant to these appropriations, upon warrants drawn by the State Auditor, after the presentation of itemized vouchers signed by such officer or agent as the board of directors shall authorize, and approved by the chairman of the board. Duplicates of such vouchers shall be kept and filed in the office of the chairman of the board of directors and the originals thereof shall be kept and filed when paid in the office of the State Treasurer."

(Held by Attorney-General to be invalid.)

1923, c. 156.

CHAPTER CXXXIII

WEIGHTS AND MEASURES

8073. In line 4 strike out "Currituck."

Add (applies only to Currituck County): "In addition to the duties of said standard-keeper as now provided by the law, said standard-keeper shall inspect and test all gasoline, crude oil, and other pumps or measuring devices once a year and for said services said standard-keeper shall be paid the sum of twenty-five cents for each gasoline, crude-oil pump or measuring device."

P. L. 1923, c. 11.

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